

FIRST REGULAR SESSION

HOUSE BILL NO. 774

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES REDMON (Sponsor),
HAMPTON AND CURTMAN (Co-sponsors).

1394L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 8.305, 21.485, 21.800, 21.830, 21.910, 51.165, 67.5016, 82.291, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.390, 105.420, 105.430, 105.440, 105.445, 105.915, 135.210, 141.540, 143.811, 144.030, 160.254, 160.534, 160.932, 160.933, 168.081, 168.083, 171.033, 178.930, 191.115, 192.105, 196.1035, 197.291, 198.087, 208.955, 208.975, 210.114, 262.950, 288.036, 288.121, 288.128, 288.131, 288.132, 301.562, 311.489, 324.001, 324.028, 324.159, 324.406, 326.265, 327.051, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 407.485, 414.412, 442.018, 443.805, 488.2205, 542.301, 620.602, 633.410, 640.850, 643.079, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, and to enact in lieu thereof sixty-five new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 8.305, 21.485, 21.800, 21.830, 21.910, 51.165, 67.5016, 82.291,
2 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370,
3 105.375, 105.380, 105.385, 105.390, 105.420, 105.430, 105.440, 105.445, 105.915, 135.210,
4 141.540, 143.811, 144.030, 160.254, 160.534, 160.932, 160.933, 168.081, 168.083, 171.033,
5 178.930, 191.115, 192.105, 196.1035, 197.291, 198.087, 208.955, 208.975, 210.114, 262.950,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 288.036, 288.121, 288.128, 288.131, 288.132, 301.562, 311.489, 324.001, 324.028, 324.159,
7 324.406, 326.265, 327.051, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610,
8 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662,
9 337.712, 338.130, 339.120, 345.035, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833,
10 376.836, 383.250, 393.171, 407.485, 414.412, 442.018, 443.805, 488.2205, 542.301, 620.602,
11 633.410, 640.850, 643.079, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455,
12 660.460, 660.465, 701.058, and 701.502, RSMo, are repealed and sixty-five new sections
13 enacted in lieu thereof, to be known as sections 51.165, 67.5016, 100.710, 104.342, 104.1024,
14 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.420, 105.430,
15 105.915, 135.210, 141.540, 143.811, 144.030, 160.254, 160.534, 168.081, 171.033, 178.930,
16 196.1035, 198.087, 208.955, 210.114, 288.036, 288.121, 288.128, 301.562, 324.001, 324.028,
17 324.159, 324.406, 326.265, 327.051, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570,
18 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612,
19 337.662, 337.712, 338.130, 339.120, 345.035, 407.485, 414.412, 443.805, 542.301, and 643.079,
20 to read as follows:

51.165. In all counties of class three and four which shall enter into an agreement with
2 the state agency to place county employees under the Federal Social Security Act in accordance
3 with the provisions of sections 105.300 to [105.440] **105.430**, it shall be the duty of the county
4 clerk to keep necessary records, collect contributions of county employees and remit the same
5 to the state agency, and do all other administrative acts required by the agreement or by ruling
6 of the federal or state agency in order to carry out the purposes of the aforesaid law.

67.5016. 1. Any county levying a local sales tax under the authority of sections 67.5000
2 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state
3 department of revenue to administer, enforce, and collect the tax. The sales tax shall be
4 administered, enforced, and collected in the same manner and by the same procedure as other
5 local sales taxes are levied and collected and shall be in addition to any other sales tax authorized
6 by law. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
7 apply to the tax imposed pursuant to this section.

2. Upon receipt of a certified copy of a resolution from the county authorizing the levy
9 of a local sales tax, which resolution shall state the name of the district in which that county is
10 included, the director of the department of revenue shall cause this tax to be collected at the same
11 time and in the same manner provided for the collection of the state sales tax. All moneys
12 derived from this local sales tax imposed under the authority of sections 67.5000 to 67.5038 and
13 collected under the provisions of this section by the director of revenue shall be [credited to a
14 fund established for the district, which is hereby established in] **deposited with** the state
15 treasury[,] under the name of that district, as established. **The moneys derived from local sales**

16 **tax shall not be deemed to be state funds and shall not be commingled with any funds of**
17 **the state.** Any refund due on any local sales tax collected pursuant to section 67.5000 to
18 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue
19 from the sales tax revenue collected under this section. All local sales tax revenue derived from
20 the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under
21 this section, shall be remitted at least quarterly by the director of revenue to the district
22 established by sections 67.5000 to 67.5038, the source county included in the district and the
23 cities in that county, in the percentages set forth in section 67.5014.

100.710. As used in sections 100.700 to 100.850, the following terms mean:

- 2 (1) "Assessment", an amount of up to five percent of the gross wages paid in one year
3 by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic
4 development project is located within a distressed community as defined in section 135.530;
- 5 (2) "Board", the Missouri development finance board as created by section 100.265;
- 6 (3) "Certificates", the revenue bonds or notes authorized to be issued by the board
7 pursuant to section 100.840;
- 8 (4) "Credit", the amount agreed to between the board and an eligible industry, but not
9 to exceed the assessment attributable to the eligible industry's project;
- 10 (5) "Department", the Missouri department of economic development;
- 11 (6) "Director", the director of the department of economic development;
- 12 (7) "Economic development project":
 - 13 (a) The acquisition of any real property by the board, the eligible industry, or its affiliate;
 - 14 or
 - 15 (b) The fee ownership of real property by the eligible industry or its affiliate; and
 - 16 (c) For both paragraphs (a) and (b) of this subdivision, "economic development project"
17 shall also include the development of the real property including construction, installation, or
18 equipping of a project, including fixtures and equipment, and facilities necessary or desirable for
19 improvement of the real property, including surveys; site tests and inspections; subsurface site
20 work; excavation; removal of structures, roadways, cemeteries and other surface obstructions;
21 filling, grading and provision of drainage, storm water retention, installation of utilities such as
22 water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site
23 construction of utility extensions to the boundaries of the real property; and the acquisition,
24 installation, or equipping of facilities on the real property, for use and occupancy by the eligible
25 industry or its affiliates;
- 26 (8) "Eligible employee", a person employed on a full-time basis in a new job at the
27 economic development project averaging at least thirty-five hours per week who was not
28 employed by the eligible industry or a related taxpayer in this state at any time during the

29 twelve-month period immediately prior to being employed at the economic development project.
30 For an essential industry, a person employed on a full-time basis in an existing job at the
31 economic development project averaging at least thirty-five hours per week may be considered
32 an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

33 (9) "Eligible industry", a business located within the state of Missouri which is engaged
34 in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling
35 products, conducting research and development, or providing services in interstate commerce,
36 office industries, or agricultural processing, but excluding retail, health or professional services.
37 "Eligible industry" does not include a business which closes or substantially reduces its operation
38 at one location in the state and relocates substantially the same operation to another location in
39 the state. This does not prohibit a business from expanding its operations at another location in
40 the state provided that existing operations of a similar nature located within the state are not
41 closed or substantially reduced. This also does not prohibit a business from moving its
42 operations from one location in the state to another location in the state for the purpose of
43 expanding such operation provided that the board determines that such expansion cannot
44 reasonably be accommodated within the municipality in which such business is located, or in the
45 case of a business located in an incorporated area of the county, within the county in which such
46 business is located, after conferring with the chief elected official of such municipality or county
47 and taking into consideration any evidence offered by such municipality or county regarding the
48 ability to accommodate such expansion within such municipality or county. An eligible industry
49 must:

50 (a) Invest a minimum of fifteen million dollars, or ten million dollars for an office
51 industry, in an economic development project; and

52 (b) Create a minimum of one hundred new jobs for eligible employees at the economic
53 development project or a minimum of five hundred jobs if the economic development project
54 is an office industry or a minimum of two hundred new jobs if the economic development project
55 is an office industry located within a distressed community as defined in section 135.530, or in
56 the case of an approved company for a project for a world headquarters of a business whose
57 primary function is tax return preparation in any home rule city with more than four hundred
58 thousand inhabitants and located in more than one county, create a minimum of one hundred new
59 jobs for eligible employees at the economic development project. An industry that meets the
60 definition of "essential industry" may be considered an eligible industry for the purposes of the
61 program authorized by sections 100.700 to 100.850.

62

63 Notwithstanding the preceding provisions of this subdivision, a development agency, as such
64 term is defined in subdivision (3) of section 100.255, or a corporation, limited liability company,

65 or partnership formed on behalf of a development agency, at the option of the board, may be
66 authorized to act as an eligible industry with such obligations and rights otherwise applicable to
67 an eligible industry, including the rights of an approved company under section 100.850, so long
68 as the eligible industry otherwise meets the requirements imposed by this subsection;

69 (10) "Essential industry", a business that otherwise meets the definition of eligible
70 industry except an essential industry shall:

71 (a) Be a targeted industry;

72 (b) Be located in a home rule city with more than twenty-six thousand but less than
73 twenty-seven thousand inhabitants located in any county with a charter form of government and
74 with more than one million inhabitants or in a city of the fourth classification with more than
75 four thousand three hundred but fewer than four thousand four hundred inhabitants and located
76 in any county with a charter form of government and with more than one million inhabitants;

77 (c) Have maintained at least two thousand jobs at the proposed economic development
78 project site each year for a period of four years preceding the year in which application for the
79 program authorized by sections 100.700 to 100.850 is made and during the year in which said
80 application is made;

81 (d) Retain, at the proposed economic development project site, the level of employment
82 that existed at the site in the taxable year immediately preceding the year in which application
83 for the program, authorized by sections 100.700 to 100.850, is made. Retention of such level
84 of employment shall commence three years from the date of issuance of the certificates and
85 continue for the duration of the certificates; and

86 (e) Invest a minimum of five hundred million dollars in the economic development
87 project by the end of the third year after the issuance of the certificates under this program;

88 (11) "New job", a job in a new or expanding eligible industry not including jobs of
89 recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the
90 state. For an essential industry, an existing job may be considered a new job for the purposes of
91 the program authorized by sections 100.700 to 100.850;

92 (12) "Office industry", a regional, national or international headquarters, a
93 telecommunications operation, a computer operation, an insurance company, or a credit card
94 billing and processing center;

95 (13) "Program costs", all necessary and incidental costs of providing program services
96 including payment of the principal of premium, if any, and interest on certificates, including
97 capitalized interest, issued to finance a project, and funding and maintenance of a debt service
98 reserve fund to secure such certificates. Program costs shall include:

- 99 (a) Obligations incurred for labor and obligations incurred to contractors, subcontractors,
100 builders and materialmen in connection with the acquisition, construction, installation or
101 equipping of an economic development project;
- 102 (b) The cost of acquiring land or rights in land and any cost incidental thereto, including
103 recording fees;
- 104 (c) The cost of contract bonds and of insurance of all kinds that may be required or
105 necessary during the course of acquisition, construction, installation or equipping of an economic
106 development project which is not paid by the contractor or contractors or otherwise provided for;
- 107 (d) All costs of architectural and engineering services, including test borings, surveys,
108 estimates, plans and specifications, preliminary investigations and supervision of construction,
109 as well as the costs for the performance of all the duties required by or consequent upon the
110 acquisition, construction, installation or equipping of an economic development project;
- 111 (e) All costs which are required to be paid under the terms of any contract or contracts
112 for the acquisition, construction, installation or equipping of an economic development project;
113 and
- 114 (f) All other costs of a nature comparable to those described in this subdivision;
- 115 (14) "Program services", administrative expenses of the board, including contracted
116 professional services, and the cost of issuance of certificates;
- 117 (15) "Targeted industry", an industry or one of a cluster of industries that is identified
118 by the department as critical to the state's economic security and growth [and affirmed as such
119 by the joint committee on economic development policy and planning established in section
120 620.602].

104.342. 1. Any person hired by the state on or after August 13, 1986, in any of the
2 positions described in this subsection shall be a member of the system from the date on which
3 such employment begins. This subsection shall apply to any person duly certified under the law
4 governing the certification of teachers who is employed full time:

- 5 (1) As a teacher by the division of youth services;
- 6 (2) As a teacher by a division of the state department of social services and who renders
7 services in a school whose standards of education are set and which is supervised by a public
8 school officer of the county in which the school is located, by the department of elementary and
9 secondary education or by the coordinating board for higher education;
- 10 (3) As a teacher by the section of inmate education of the department of corrections;
- 11 (4) In either a teaching or supervisory teaching capacity by the department of mental
12 health, in which his or her duties include participation in the educational program of the
13 department of mental health.

14 2. Any person employed in any of the positions described in subsection 1 of this section
15 immediately prior to and on August 13, 1986, may elect, in writing, to:

16 (1) Become a member of the Missouri state employees' retirement system effective
17 January 1, 1987. Any person who, by virtue of an election made under this subdivision, becomes
18 a member of the Missouri state employees' retirement system shall be entitled to creditable prior
19 service credit for service rendered in any of the positions described in subsection 1 of this
20 section. Members who so elect shall be eligible, upon written request filed with the public
21 school retirement system, to receive a refund of their accumulated contributions including
22 interest of six percent and upon payment of such refund, the public school retirement systems
23 shall pay to the state employees' retirement system before June 30, 1987, an amount equal to the
24 amount paid the public school retirement system on behalf of each member so electing by the
25 member's employer; or

26 (2) Remain a member of the public school retirement system of Missouri created under
27 sections 169.010 to 169.140. Any person entitled to make the election provided by this
28 subsection who does not make such election, in writing, by January 1, 1987, shall be deemed to
29 have elected to be governed by subdivision (1) of this subsection.

30 3. Any person who is employed on a full-time basis by Truman State University,
31 Northwest Missouri State University, Central Missouri State University, Southeast Missouri
32 State University, Southwest Missouri State University, Harris-Stowe State College or Missouri
33 Southern State College and Missouri Western State College shall be a member of the system;
34 except that any person who is duly certified under the laws governing the certification of teachers
35 and who is a full-time employee of such institution or institutions on June 14, 1989, and is
36 contributing because of such employment to a retirement system established under sections
37 169.010 to 169.140 or sections 169.410 to 169.540, may make an election to continue in that
38 retirement system if such election is made on or before December 31, 1989. This election shall
39 not apply to any such person who commenced receiving retirement benefits prior to January 1,
40 1990, from any state retirement system because of such service.

41 4. Effective January 1, 1990, only after an affirmative referendum in accordance with
42 section 105.353, any person who is employed on a full-time basis by the department of
43 elementary and secondary education shall be a member of the system; except that any person
44 duly certified under the law governing the certification of teachers who is a full-time employee
45 at any time during the period extending from June 14, 1989, through December 31, 1989, and
46 is contributing because of such employment to the retirement system established under sections
47 169.010 to 169.140, may elect to continue in that retirement system if such election is made on
48 or before December 31, 1989. This election shall not apply to any such person who commenced

49 receiving retirement benefits prior to January 1, 1990, from any state retirement system because
50 of such service.

51 5. On June 14, 1989, all newly employed persons in the positions described in subsection
52 3 of this section shall become members of the Missouri state employees' retirement system.
53 Effective January 1, 1990, and only after an affirmative referendum provided for in subsection
54 4 of this section, all newly employed persons in the positions described in subsection 4 of this
55 section shall become members of the Missouri state employees' retirement system.

56 6. Any employee actively employed on June 14, 1989, who, because of employment in
57 a position described in subsection 1, 3 or 4 of this section, has creditable service in this system
58 for such employment which at the time the service was rendered was not covered by the federal
59 Social Security Act, shall remain in this system and be entitled to the benefits provided under
60 subdivision (1) of subsection 7 of this section; except that any such employee who has creditable
61 service in this system because of employment in a position described in subsection 4 of this
62 section which is not covered by the federal Social Security Act on January 1, 1990, shall not be
63 entitled to the benefits provided under subdivision (1) of subsection 7 of this section for such
64 creditable service.

65 7. Any person entitled to make the election provided by subsection 3 or 4 of this section,
66 who does not make such election, in writing, on or before December 31, 1989, shall be deemed
67 to have elected to be governed by subdivision (1) of this subsection:

68 (1) Those persons described in subsections 3 and 4 of this section who elect or have
69 elected by written request filed with the board to be members of this system, shall be entitled to
70 creditable prior service for service rendered in any of the positions described in subsections 1,
71 3 and 4 of this section. Any person who so elects shall be eligible, upon written request filed
72 with the board on or before March 31, 1990, with the retirement system established under
73 sections 169.010 to 169.140 or sections 169.410 to 169.540, to receive a refund of the member's
74 accumulated contributions for the creditable service in any of the positions described in
75 subsections 1, 3 and 4 of this section, plus interest at an annual rate of six percent computed on
76 the refundable balance, if any, in the member's account in that retirement system as of June 30,
77 1989. Such refunds shall be made prior to June 1, 1990. If any creditable prior service
78 transferred under subsection 1, 3 or 4 of this section, or subsection 3 of section 104.372, includes
79 periods of service not covered by the federal Social Security Act, as provided in sections 105.300
80 to [105.445] **105.430**, then, in calculating the benefit amount payable to such member, the
81 normal annuity shall be an amount equal to two and one-tenth percent of the average
82 compensation of the member multiplied by the number of years of such creditable service for the
83 positions described in subsections 1, 3 and 4 of this section not covered by the federal Social
84 Security Act in addition to an amount payable under section 104.374 for all service covered by

85 the federal Social Security Act. The normal annuity as described in this subdivision shall be
86 adjusted for early retirement, if applicable;

87 (2) Any person described in subsections 3 and 4 of this section, who elects to remain in
88 one of the retirement systems established under sections 169.010 to 169.140 or sections 169.410
89 to 169.540, shall, notwithstanding any provision of chapter 169 to the contrary, be a
90 noncontributing member of such system and shall receive a refund of the member's accumulated
91 contributions for the creditable service in any of the positions described in subsection 1, 3 or 4
92 of this section, plus interest at an annual rate of six percent computed on the refundable balance,
93 if any, in the member's account in that retirement system as of June 30, 1989. Such refunds shall
94 be made prior to June 1, 1990. At the time of retirement under the provisions of sections
95 169.010 to 169.140 or sections 169.410 to 169.540, such person shall receive a retirement benefit
96 computed under the then existing law of that retirement system; except that, for any person
97 employed in a position described in subsection 4 of this section, the benefit shall be the amount
98 computed as though the position were not covered by the federal Social Security Act, reduced
99 by the amount of any federal Social Security benefit the person may receive which is attributable
100 to service rendered in the positions described in subsection 4 of this section after December 31,
101 1989.

102 8. Upon payment of the refunds provided in subdivision (1) of subsection 7 of this
103 section, each refunding retirement system shall pay to the state employees' retirement system,
104 by December 31, 1990, an amount actuarially determined to equal the liability transferred from
105 such retirement systems. At least ninety days before each regular session of the general assembly
106 the board of trustees of the affected public school retirement system shall certify to the division
107 of budget an actuarially determined estimate of the amount which will be necessary during the
108 next appropriation period to pay all liabilities, including costs of administration, which shall exist
109 or accrue under subsections 1 through 7 of this section during such period. The estimate shall
110 be computed as a level percentage of payroll compensation to cover the normal cost and to
111 amortize the accrued liability over a period not to exceed forty years. The commissioner of
112 administration shall request appropriation of the amount calculated under the provisions of this
113 subsection. The commissioner of administration monthly shall requisition and certify the
114 payment to the executive secretary of the appropriate school retirement system.

115 9. Notwithstanding any provisions of chapter 169 to the contrary, any member who
116 becomes a member under the provisions of subsection 2, 5, or 7 of this section and who has
117 creditable service with a public school retirement system under that chapter because of
118 employment with any employer other than those defined in subsection 1, 3, or 4 of this section
119 shall immediately vest in that public school retirement system and upon attainment of the
120 minimum retirement age of that system shall be entitled to a monthly benefit based on such

121 creditable service and the law in effect at that time, provided the person does not elect to
122 withdraw the member's accumulated contributions for such creditable service from that public
123 school retirement system.

124 10. Effective July 1, 1988, the Lincoln University board of curators shall terminate the
125 Lincoln University retirement, disability and death benefit plan and shall purchase through
126 competitive bids annuities adequate to cover the liability for all benefits presently being paid
127 from such plan to former employees or their surviving beneficiaries upon the death of the
128 employee as provided by such plan at the time of the commencement of benefits to such former
129 employees or beneficiaries. Lincoln University shall pay to the Missouri state employees'
130 retirement system on or before July 1, 1988, an amount equal to all funds and securities thereon
131 contained in the Lincoln University retirement, disability and death benefit plan less the amount
132 needed to purchase annuities for retiree and survivor benefits.

133 11. Effective July 1, 1988, the Lincoln University board of curators shall certify to the
134 board of trustees of the Missouri state employees' retirement system all persons eligible to
135 receive but not yet receiving benefits under the Lincoln University retirement, disability and
136 death benefit plan, for service prior to June 30, 1988, together with the amounts payable and
137 supporting documentation as to the methods, plan provisions and data used to calculate such
138 benefits, to the satisfaction of the board of trustees of the Missouri state employees' retirement
139 system, and the Missouri state employees' retirement system shall assume responsibility for
140 payment of such benefits in the future.

141 12. Any person employed on a full-time basis by Lincoln University on or after July 1,
142 1988, shall become a member of the Missouri state employees' retirement system, and may elect
143 in writing to receive creditable prior service for all full-time service to Lincoln University if such
144 service is not now credited the member under the Missouri state employees' retirement system,
145 and provided the member elects in writing to forfeit all rights accrued under the Lincoln
146 University retirement, disability and death benefit plan for such service.

147 13. (1) Any person who is employed by Harris-Stowe State College as a teacher or
148 administrator on August 28, 1995, who was employed full time by Harris-Stowe College prior
149 to September 1, 1978, who became a member of the Missouri state employees' retirement system
150 on or after September 1, 1978, and who has been continuously employed by the college, may
151 purchase creditable prior service for any service rendered to Harris-Stowe College prior to
152 September 1, 1978, which is not otherwise credited under the Missouri state employees'
153 retirement system, not to exceed twelve years;

154 (2) Any person eligible to purchase creditable prior service under the provisions of
155 subdivision (1) of this subsection may make written application to the board of trustees of the
156 Missouri state employees' retirement system prior to retirement, but not later than April 1, 1996.

157 The purchase shall be effected by the member and the public school retirement system of which
158 the member was previously a member paying to the Missouri state employees' retirement system
159 the following amounts:

160 (a) The amount contributed by the employee to the St. Louis public school retirement
161 system during the years of prior service with Harris-Stowe College for which the employee seeks
162 to purchase creditable prior service in the Missouri state employees' retirement system, including
163 interest which may have been credited to the member's individual account with the system, or
164 which would have been credited to the account had it remained with the St. Louis public school
165 retirement system; and

166 (b) An amount which shall not be less than zero and which shall equal the actuarial
167 accrued liability of the St. Louis public school retirement system for the prior service, determined
168 as of the transfer date as if the member were still in active service covered by the St. Louis public
169 school retirement system, less the amount stipulated in paragraph (a) of this subdivision;

170 (c) If the member had received a refund of contributions related to service covered by
171 the St. Louis public school retirement system, the amount stipulated in paragraph (a) of this
172 subdivision shall be paid to the Missouri state employees' retirement system by the member,
173 otherwise, such amount shall be paid to the Missouri state employees' retirement system by the
174 St. Louis public school retirement system;

175 (3) Any amount payable to the Missouri state employees' retirement system by the
176 member may be paid in a lump sum or in monthly installments. If paid in monthly installments,
177 the period over which payments are being made may not extend beyond the earlier of the
178 member's retirement date or April 1, 1997, and shall include interest at a rate established by the
179 board of trustees of the Missouri state employees' retirement system;

180 (4) Any amounts payable to the Missouri state employees' retirement system by the St.
181 Louis public schools retirement system shall be paid in a lump sum and shall not be paid later
182 than the earlier of the member's retirement date or April 1, 1997, and shall include interest at a
183 rate established by the board of trustees of the Missouri state employees' retirement system;

184 (5) Any person who elects to purchase creditable prior service under the provisions of
185 this section shall file with the St. Louis public school retirement system an irrevocable waiver
186 and release of any rights and benefits in that system for the creditable prior service being
187 purchased. The member shall file with the Missouri state employees' retirement system a copy
188 of the waiver and an affidavit stating that he or she is no longer eligible to receive benefits or
189 credits in any other retirement system for the creditable prior service being purchased;

190 (6) All retirement plans defined under section 105.660 shall develop a procurement
191 action plan for utilization of minority and women money managers, brokers and investment

192 counselors. Such retirement systems shall report their progress annually to the joint committee
193 on public employee retirement and the governor's minority advocacy commission.

194 14. In no event shall any person receive service credit for the same period of service
195 under more than one retirement system.

104.1024. 1. Any member who terminates employment may retire on or after attaining
2 normal retirement eligibility by making application in written form and manner approved by the
3 appropriate board. The written application shall set forth the annuity starting date which shall
4 not be earlier than the first day of the second month following the month of the execution and
5 filing of the member's application for retirement nor later than the first day of the fourth month
6 following the month of the execution and filing of the member's application for retirement. The
7 payment of the annuity shall be made the last working day of each month, providing all
8 documentation required under section 104.1027 for the calculation and payment of the benefits
9 is received by the board.

10 2. A member's annuity shall be paid in the form of a life annuity, except as provided in
11 section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the
12 final average pay of the member multiplied by the member's years of credited service.

13 3. The life annuity defined in subsection 2 of this section shall not be less than a monthly
14 amount equal to fifteen dollars multiplied by the member's full years of credited service.

15 4. If as of the annuity starting date of a member who has attained normal retirement
16 eligibility the sum of the member's years of age and years of credited service equals eighty or
17 more years and if the member's age is at least forty-eight years but less than sixty-two years, or,
18 in the case of a member of the highway patrol who shall be subject to the mandatory retirement
19 provision of section 104.080, the mandatory retirement age and completion of five years of
20 credited service, then in addition to the life annuity described in subsection 2 of this section, the
21 member shall receive a temporary annuity equal to eight-tenths of one percent of the member's
22 final average pay multiplied by the member's years of credited service. The temporary annuity
23 and any cost-of-living adjustments attributable to the temporary annuity pursuant to section
24 104.1045 shall terminate at the end of the calendar month in which the earlier of the following
25 events occurs: the member's death or the member's attainment of the earliest age of eligibility
26 for reduced Social Security retirement benefits, but no later than age sixty-two.

27 5. The annuity described in subsection 2 of this section for any person who has credited
28 service not covered by the federal Social Security Act, as provided in sections 105.300 to
29 [105.445] **105.430**, shall be calculated as follows: the life annuity shall be an amount equal to
30 two and five-tenths percent of the final average pay of the member multiplied by the number of
31 years of service not covered by the federal Social Security Act in addition to one and

32 seven-tenths percent of the final average pay of the member multiplied by the member's years
33 of credited service covered by the federal Social Security Act.

34 6. Effective July 1, 2002, any member, except an elected official or a member of the
35 general assembly, who has not been paid retirement benefits and continues employment for at
36 least two years beyond the date of normal retirement eligibility, may elect to receive an annuity
37 and lump sum payment or payments, determined as follows:

38 (1) A retroactive starting date shall be established which shall be a date selected by the
39 member; provided, however, that the retroactive starting date selected by the member shall not
40 be a date which is earlier than the date when a normal annuity would have first been payable.
41 In addition, the retroactive starting date shall not be more than five years prior to the annuity
42 starting date. The member's selection of a retroactive starting date shall be done in twelve-month
43 increments, except this restriction shall not apply when the member selects the total available
44 time between the retroactive starting date and the annuity starting date;

45 (2) The prospective annuity payable as of the annuity starting date shall be determined
46 pursuant to the provisions of this section, with the exception that it shall be the amount which
47 would have been payable at the annuity starting date had the member actually retired on the
48 retroactive starting date under the retirement plan selected by the member. Other than for the
49 lump sum payment or payments specified in subdivision (3) of this subsection, no other amount
50 shall be due for the period between the retroactive starting date and the annuity starting date;

51 (3) The lump sum payable shall be ninety percent of the annuity amounts which would
52 have been paid to the member from the retroactive starting date to the annuity starting date had
53 the member actually retired on the retroactive starting date and received a life annuity. The
54 member shall elect to receive the lump sum amount either in its entirety at the same time as the
55 initial annuity payment is made or in three equal annual installments with the first payment made
56 at the same time as the initial annuity payment;

57 (4) Any annuity payable pursuant to this section that is subject to a division of benefit
58 order pursuant to section 104.1051 shall be calculated as follows:

59 (a) Any service of a member between the retroactive starting date and the annuity
60 starting date shall not be considered credited service except for purposes of calculating the
61 division of benefit; and

62 (b) The lump sum payment described in subdivision (3) of this section shall not be
63 subject to any division of benefit order; and

64 (5) For purposes of determining annual benefit increases payable as part of the lump sum
65 and annuity provided pursuant to this section, the retroactive starting date shall be considered the
66 member's date of retirement.

105.300. When used in sections 105.300 to [105.440] **105.430**, the following terms

2 mean:

3 (1) "Applicable federal law", those provisions of the federal law, including federal
4 regulations and requirements issued pursuant thereto which provide for the extension of the
5 benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to employees of states,
6 political subdivisions and their instrumentalities;

7 (2) "Employee", elective or appointive officers and employees of the state, including
8 members of the general assembly, and elective or appointive officers and employees of any
9 political subdivision of the state, including county officers remunerated wholly by fees from
10 sources other than county funds, or any instrumentality of either the state or such political
11 subdivisions; and employees of a group of two or more political subdivisions of the state
12 organized to perform common functions or services;

13 (3) "Employee tax", the tax imposed by section 1400 of the federal Internal Revenue
14 Code of 1939 and section 3101 of the federal Internal Revenue Code of 1954;

15 (4) "Employment", any service performed by any employee of the state or any of its
16 political subdivisions or any instrumentality of either of them, which may be covered, under
17 applicable federal law, in the agreement between the state and the [Secretary of Health,
18 Education and Welfare] **Commissioner of the Social Security Administration**, except services,
19 which in the absence of an agreement entered into under sections 105.300 to [105.440] **105.430**
20 would constitute "employment" as defined in section 210 of the Social Security Act (42 U.S.C.A.
21 § 410); any services performed by an employee as a member of a coverage group, in positions
22 covered by a retirement system on the date such agreement is made applicable to such coverage
23 group, which retirement system is supported wholly or in part by the state or any of its
24 instrumentalities or political subdivisions, shall not be considered as "employment" within the
25 meaning of sections 105.300 to [105.440] **105.430**; however, service which under the Social
26 Security Act may be included only upon certification by the governor in accordance with section
27 218(d)(3) of that act shall be included in the term "employment" if and when the governor issues,
28 with respect to such service, a certificate to the [Secretary of Health, Education and Welfare
29 pursuant to] **Commissioner of the Social Security Administration under** section 105.353;

30 (5) "Federal agency", any federal officer, department, or agency which is charged on
31 behalf of the federal government with the particular federal function referred to in connection
32 with such term;

33 (6) "Federal Insurance Contributions Act", subchapter A of chapter 9 of the federal
34 Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the federal Internal
35 Revenue Code of 1954, as such codes have been and may be amended;

36 (7) "Instrumentality", an instrumentality of a state or of one or more of its political
37 subdivisions but only if such instrumentality is a juristic entity which is legally separate and
38 distinct from the state or such political subdivision and whose employees are not by virtue of
39 their relation to such juristic entity employees of the state or such subdivision;

40 (8) "Political subdivision", any county, township, municipal corporation, school district,
41 or other governmental entity of equivalent rank;

42 (9) "Social Security Act", the act of Congress approved August 14, 1935, Title 42,
43 Chapter 7, United States Code, officially cited as the "Social Security Act", (42 U.S.C.A. § 401,
44 et seq.), as such act has been and may from time to time be amended;

45 (10) "State administrator", director, division of accounting, office of administration;

46 (11) "State agency", office of administration, division of accounting;

47 (12) "Wages", all remuneration for employment as defined herein, including the cash
48 value of all remuneration paid in any medium other than cash, except that the term shall not
49 include that part of such remuneration which, even if it were for "employment" within the
50 meaning of the federal Insurance Contributions Act, would not constitute "wages" within the
51 meaning of that act.

105.310. 1. The state agency, with the approval of the governor, shall enter into on
2 behalf of the state an agreement with the [Secretary of Health and Human Services]
3 **Commissioner of the Social Security Administration**, consistent with sections 105.300 to
4 [105.440] **105.430**, for the purpose of extending the benefits of the federal old age and survivors
5 insurance system to employees of the state or of any of its political subdivisions, or of any
6 instrumentality of any one or more of them, with respect to services specified in such agreement,
7 which constitute employment as defined in section 105.300. Such agreement may contain
8 provisions relating to coverage, benefits, contributions, effective date, modifications and
9 termination of the agreement, administration and other appropriate provisions, and except as
10 otherwise required by the Social Security Act as to the services to be covered, such agreement
11 shall provide that benefits will be granted to employees whose services are covered by the
12 agreement, their dependents and survivors, on the same basis as though the services constituted
13 employment within the meaning of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.).

14 2. A modification entered into after December 31, 1954, and prior to January 1, 1958,
15 may be effective with respect to services performed after December 31, 1954, or after a later date
16 specified in the modification.

17 3. All services which constitute employment as defined in section 105.300 and are
18 performed in the employ of the state by employees of the state shall be covered by the agreement.

19 4. All services shall be covered by the agreement which:

20 (1) Constitute employment as defined in section 105.300;

21 (2) Are performed in the employ of a political subdivision or in the employ of an
22 instrumentality of either the state or a political subdivision; except services performed in the
23 employ of any municipality in connection with its operation of a public transportation system as
24 defined in section 210(1) of the Social Security Act (42 U.S.C.A. § 410); and there is hereby
25 granted to the governing body of such municipality and the officers in charge of such
26 transportation system such powers and authority as may be necessary to comply with the Social
27 Security Act in extending the benefits of the federal old age and survivors insurance system to
28 the employees of such public transportation system; and

29 (3) Are covered by a plan which is in conformity with the terms of the agreement
30 approved by the state agency under section 105.350.

31 5. As modified the agreement shall include all services described in either subsection 3
32 or 4 of this section and performed by individuals in positions covered by a retirement system
33 with respect to which the governor has issued a certificate to the [Secretary of Health and Human
34 Services pursuant to] **Commissioner of the Social Security Administration** under section
35 105.353.

105.330. Any instrumentality jointly created by this state and any other state or states is
2 hereby authorized upon the granting of like authority by such other state or states:

3 (1) To enter into an agreement with the [Secretary of Health, Education and Welfare]
4 **Commissioner of the Social Security Administration** whereby the benefits of the federal old
5 age and survivors insurance system shall be extended to employees of such instrumentality;

6 (2) To require its employees to pay, and for that purpose deduct from their wages,
7 contributions equal to the amounts which they would be required to pay under section 105.340,
8 subsection 1, if they were covered by an agreement made pursuant to section 105.310;

9 (3) To make payments to the Secretary of the Treasury in accordance with such
10 agreement, including payments from its own funds, and otherwise to comply with such
11 agreements. Such agreement, to the extent practicable, shall be consistent with the provisions
12 of sections 105.300 to [105.440] **105.430**.

105.340. 1. Every employee of the state whose services are covered by an agreement
2 entered into under section 105.310 shall be required to pay for the period of coverage to the
3 trustee contributions with respect to wages equal to the amount of the employee tax which would
4 be imposed by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400). The liability shall
5 arise in consideration of the employee's retention in the service, or his entry upon service after
6 the passage of sections 105.300 to [105.440] **105.430**.

7 2. The contributions imposed by this section shall be collected by the trustee by
8 deducting the amount of the contributions from wages paid, but failure to make the deductions
9 shall not relieve the employee from liability for the contribution.

10 3. If more or less than the correct amount of the employee's contribution is paid or
11 deducted with respect to any remuneration, proper adjustments or refund shall be made, without
12 interest, in such manner and at such times as the state agency shall prescribe.

 105.350. 1. Each political subdivision of the state and each instrumentality of the state
2 or of a political subdivision may submit for approval by the state agency a plan for extending the
3 benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to its employees, and
4 are hereby authorized to, by proper ordinance or resolution, enter into and ratify any such
5 agreement upon its approval as aforesaid. Two or more political subdivisions or
6 instrumentalities may form a joint plan if, in the absence of such joint plan, because of the
7 requirements of the agreement entered into pursuant to section 105.310, or because of any
8 requirement imposed by federal law, any subdivision included in such unit would be unable to
9 submit an approvable plan.

10 2. Each plan or any amendment thereof shall be approved by the state agency if it finds
11 that such plan is in conformity with the requirements provided by the regulations of the state
12 agency, except that no plan shall be approved unless:

13 (1) It is in conformity with the requirements of the applicable federal law and with the
14 agreement entered into under section 105.310;

15 (2) It provides that all services which constitute employment as defined in section
16 105.300 and are performed in the employ of the political subdivision or instrumentality, or in the
17 employ of any member of a joint coverage unit are covered by the plan;

18 (3) It specifies the source or sources from which the funds necessary to make the
19 payments required by section 105.370 are to be derived and contains reasonable assurance that
20 such sources will be adequate for such purpose;

21 (4) It provides for methods of administration of the plan by the political subdivision or
22 instrumentality or members of the joint coverage unit as are found by the state agency to be
23 necessary for the proper and efficient administration of the plan[;

24 (5) It provides that the political subdivision or instrumentality or members of the joint
25 coverage unit shall make reports, in the form and containing such information as the state agency
26 may from time to time require, and that it shall comply with all provisions which the state or
27 federal agency may find necessary to assure the correctness and verification of such reports].

 105.353. 1. Upon the request of the governing body of a **coverage group or the**
2 **employees covered by a** retirement system, the governor shall authorize a referendum
3 supervised by the office of administration, in accordance with the requirements of section
4 218(d)(3) of the Social Security Act, on the question of whether service in positions covered by
5 a retirement system established by the state or by a political subdivision thereof should be
6 excluded from or included under an agreement under sections 105.300 to [105.440] **105.430.**

7 The notice required by section 218(d)(3)(C) of the Social Security Act to be given to employees
8 shall contain or be accompanied by a statement, in such form and detail necessary and sufficient,
9 to inform the employees of the rights which will accrue to them and their dependents and
10 survivors, and the liabilities to which they will be subject, if their services are included under an
11 agreement under sections 105.300 to [105.440]. The public school retirement system of Missouri
12 shall constitute a single retirement system and vote in a single referendum except that each state
13 college and teachers' college and the department of elementary and secondary education shall be
14 treated as a separate retirement system, shall vote in a separate referendum and shall determine
15 its coverage independently of action taken by any other entity] **105.430.**

16 2. Upon receiving evidence satisfactory to him that with respect to any referendum the
17 conditions specified in section 218(d)(3) of the Social Security Act have been met, the governor
18 shall so certify to the [Secretary of Health, Education and Welfare] **Commissioner of the Social**
19 **Security Administration.**

20 3. In the event the employees in positions covered by the public school retirement system
21 of Missouri, except employees of any state college or state teachers' college, vote to be included
22 under an agreement under sections 105.300 to [105.440] **105.430**, the employing political
23 subdivision, instrumentalities and the state shall enter into and execute an agreement with the
24 state agency for extending the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401
25 et seq.) to their employees.

105.370. 1. Each political subdivision or instrumentality whose plan has been approved
2 under section 105.350 shall pay to the [trustee with respect to wages at such times as the state
3 agency may prescribe contributions in the amounts and at the rates specified in the agreement
4 entered into by the state agency] **Internal Revenue Service contributions, together with any**
5 **applicable interest and penalties, in the amounts and at the rates prescribed by federal law.**

6 2. Each political subdivision or instrumentality required to make payments under
7 sections 105.300 to [105.440] **105.430** is authorized, in consideration of the employee's retention
8 in, or entry upon, employment after the passage of sections 105.300 to [105.440] **105.430**, to
9 impose upon its employees, as to services which are covered by an approved plan, a contribution
10 with respect to wages, not exceeding the amount of the employee tax which would be imposed
11 by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400) and to deduct the amount of
12 the contribution from the wages when paid. Contributions so collected shall be paid to the
13 [trustee] **Internal Revenue Service** in partial discharge of the liability of the political
14 subdivision or instrumentality. Failure to deduct the contribution shall not relieve the employee
15 or employer of liability therefor.

105.375. Any county officer who is compensated wholly by fees derived from sources
2 other than county or state moneys shall pay into the county treasury out of fees received by him

3 amounts equal to the contributions required to be paid by the county under section 105.370 and
4 shall collect from all deputies, assistants and employees in his office and turn over to the officer
5 or agent of the county charged with the payment thereof to the [state agency] **Internal Revenue**
6 **Service** the amounts required to be collected and paid under section 105.370.

105.420. There are hereby authorized to be appropriated to the trustee [in addition to the
2 contributions paid into the account under sections 105.340 to 105.375, to be available for the
3 purpose of subsections 4 and 5 of section 105.390, until expended, such additional] **such** sums
4 as are found to be necessary in order to make the payments to the federal agency which the state
5 is obligated to make pursuant to an agreement entered into under section 105.310.

105.430. The state agency shall make and publish such rules and regulations, not
2 inconsistent with the provisions of sections 105.300 to [105.440] **105.430**, as it finds necessary
3 to the efficient administration of the provisions of sections 105.300 to [105.440] **105.430**.

105.915. 1. The board of trustees of the Missouri state employees' retirement system
2 shall administer the deferred compensation fund for the employees of the state of Missouri that
3 was previously administered by the deferred compensation commission, as established in section
4 105.910, prior to August 28, 2007. The board shall be vested with the same powers that it has
5 under chapter 104 to enable it and its officers, employees, and agents to administer the fund
6 under sections 105.900 to 105.927. [Two of the commissioners serving on the deferred
7 compensation commission immediately prior to the transfer made to the board under section
8 105.910 shall serve as ex officio members of the board solely to participate in the duties of
9 administering the deferred compensation fund. One such commissioner serving as an ex officio
10 board member shall be a member of the house of representatives selected by the speaker of the
11 house of representatives, and such commissioner's service on the board shall cease on December
12 31, 2009. The other commissioner serving as an ex officio board member shall be the chairman
13 of the deferred compensation commission immediately prior to the transfer made to the board
14 under section 105.910, and such commissioner's service on the board shall cease December 31,
15 2008.]

16 2. Except as provided in this subsection, participation in such plan shall be by a specific
17 written agreement between state employees and the state, which shall provide for the deferral of
18 such amounts of compensation as requested by the employee subject to any limitations imposed
19 under federal law. Participating employees must authorize that such deferrals be made from their
20 wages for the purpose of participation in such program. An election to defer compensation shall
21 be made before the beginning of the month in which the compensation is paid. Contributions
22 shall be made for payroll periods occurring on or after the first day of the month after the election
23 is made. Each employee eligible to participate in the plan hired on or after July 1, 2012, shall
24 be enrolled in the plan automatically and his or her employer shall, in accordance with the plan

25 document, withhold and contribute to the plan an amount equal to one percent of eligible
26 compensation received on and after the date of hire, unless the employee elects not to participate
27 in the plan within the first thirty days of employment, and in that event, any amounts contributed
28 and earnings thereon will be refunded by the plan to the employee pursuant to the procedure
29 contained in the plan documents. Employees who are employed by a state college or university
30 shall not be automatically enrolled but may elect to participate in the plan and make
31 contributions in accordance with the terms of the plan. Employees who are enrolled
32 automatically may elect to change the contribution rate in accordance with the terms of the plan.
33 Employees who elect not to participate in the plan may at a later date elect to participate in the
34 plan and make contributions in accordance with the terms of the plan. All assets and income of
35 such fund shall be held in trust by the board for the exclusive benefit of participants and their
36 beneficiaries. Assets of such trust, and the trust established pursuant to section 105.927, may
37 be pooled solely for investment management purposes with assets of the trust established under
38 section 104.320.

39 3. Notwithstanding any other provision of sections 105.900 to 105.927, funds held for
40 the state by the board in accordance with written deferred compensation agreements between the
41 state and participating employees may be invested in such investments as are deemed appropriate
42 by the board. All administrative costs of the program described in this section, including staffing
43 and overhead expenses, may be paid out of assets of the fund, which may reduce the amount due
44 participants in the fund. Such investments shall not be construed to be a prohibited use of the
45 general assets of the state.

46 4. Investments offered under the deferred compensation fund for the employees of the
47 state of Missouri shall be made available at the discretion of the board.

48 5. The board and employees of the Missouri state employees' retirement system shall be
49 immune from suit and shall not be subject to any claim or liability associated with any
50 administrative actions or decisions made by the commission with regard to the deferred
51 compensation program prior to the transfer made to the board under section 105.910.

52 6. The board and employees of the system shall not be liable for the investment decisions
53 made or not made by participating employees as long as the board acts with the same skill,
54 prudence, and diligence in the selection and monitoring of providers of investment products,
55 education, advice, or any default investment option, under the circumstances then prevailing that
56 a prudent person acting in a similar capacity and familiar with those matters would use in the
57 conduct of a similar enterprise with similar aims.

58 7. The system shall be immune from suit and shall not be subject to any claim or liability
59 associated with the administration of the deferred compensation fund by the board and
60 employees of the system.

61 8. Beginning on or after September 1, 2011, if a participant under the deferred
62 compensation plan or the plan established under section 105.927 is married on the date of his or
63 her death, the participant's surviving spouse shall be automatically designated as the primary
64 beneficiary under both plans, unless the surviving spouse consented in writing, witnessed by a
65 notary public, to allow the participant to designate a nonspouse beneficiary. As used in this
66 subsection, "surviving spouse" means the spouse as defined pursuant to section 104.012 to whom
67 the participant is lawfully married on the date of death of the participant, provided that a former
68 spouse shall be treated as the surviving spouse of the participant to the extent provided under a
69 judgment, decree, or order that relates to child support, alimony payments, or marital property
70 rights made under Missouri domestic relations law that creates or recognizes the existence of
71 such former spouse's right to receive all or a portion expressed as a stated dollar amount or
72 specific percentage stated in integers of the benefits payable from such plan upon the death of
73 the participant. This subsection shall not apply to beneficiary designations made prior to
74 September 1, 2011.

75 9. The board may adopt and amend plan documents to change the terms and conditions
76 of the deferred compensation plan and the plan established under section 105.927 that are
77 consistent with federal law.

135.210. 1. Any governing authority which desires to have any portion of a city or
2 unincorporated area of a county under its control designated as an enterprise zone shall hold a
3 public hearing for the purpose of obtaining the opinion and suggestions of those persons who
4 will be affected by such designation. The governing authority shall notify the director of such
5 hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper
6 of general circulation in the area to be affected by such designation at least twenty days prior to
7 the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state
8 the time, location, date and purpose of the hearing. The director, or the director's designee, shall
9 attend such hearing.

10 2. After a public hearing is held as required in subsection 1 of this section, the governing
11 authority may file a petition with the department requesting the designation of a specific area as
12 an enterprise zone. Such petition shall include, in addition to a description of the physical,
13 social, and economic characteristics of the area:

14 (1) A plan to provide adequate police protection within the area;

15 (2) A specific and practical process for individual businesses to obtain waivers from
16 burdensome local regulations, ordinances, and orders which serve to discourage economic
17 development within the area to be designated an enterprise zone; except that, such waivers shall
18 not substantially endanger the health or safety of the employees of any such business or the
19 residents of the area;

20 (3) A description of what other specific actions will be taken to support and encourage
21 private investment within the area;

22 (4) A plan to ensure that resources are available to assist area residents to participate in
23 increased development through self-help efforts and in ameliorating any negative effects of
24 designation of the area as an enterprise zone;

25 (5) A statement describing the projected positive and negative effects of designation of
26 the area as an enterprise zone; and

27 (6) A specific plan to provide assistance to any person or business dislocated as a result
28 of activities within the zone. Such plan shall determine the need of dislocated persons for
29 relocation assistance; provide, prior to displacement, information about the type, location and
30 price of comparable housing or commercial property; provide information concerning state and
31 federal programs for relocation assistance and provide other advisory services to displaced
32 persons. Public agencies may choose to provide assistance under the Uniform Relocation and
33 Real Property Acquisition Act, 42 U.S.C. section 4601, et seq. to meet the requirements of this
34 subdivision.

35 3. [Notwithstanding the provisions of section 135.250, the director of the department of
36 economic development shall, prior to the designation of any enterprise zone, submit to the joint
37 committee on economic development policy and planning, established in section 620.602, rules
38 and regulations pertaining to the designation of enterprise zones. Following approval by the joint
39 committee, such rules and regulations shall be issued pursuant to the provisions of section
40 536.021. Upon approval of an enterprise zone designation by the department, the director shall
41 submit such enterprise zone designation to the joint committee for its approval. An enterprise
42 zone designation shall be effective upon such approval by the joint committee. The director shall
43 report annually to the joint committee the number and location of all enterprise zones designated,
44 together with the business activity within each designated enterprise zone.

45 4.] No more than fifty such areas may be designated by the director as an enterprise zone
46 under the provisions of this subsection, except that any enterprise zones authorized apart from
47 this subsection by specific legislative enactment, on or after August 28, 1991, shall not be
48 counted toward the limitation set forth in this subsection. After fifty enterprise zones, plus any
49 others authorized apart from this subsection by specific legislative enactment first designated on
50 or after August 28, 1991, have been designated by the director, additional enterprise zones may
51 be authorized apart from this subsection by specific legislative enactment, except that if an
52 enterprise zone designation is cancelled under the provision of subsection 5 of this section, the
53 director may designate one area as an enterprise zone for each enterprise zone designation which
54 is cancelled.

55 [5.] 4. Each designated enterprise zone or satellite zone must report to the director on an
56 annual basis regarding the status of the zone and business activity within the zone. On the fifth
57 anniversary of the designation of each zone after August 8, 1989, and each five years thereafter,
58 the director shall evaluate the activity which has occurred within the zone during the previous
59 five-year period, including business investments and the creation of new jobs. [The director shall
60 present the director's evaluation to the joint legislative committee on economic development
61 policy and planning.] If the director finds that the plan outlined in the application for designation
62 was not implemented in good faith, or if such zone no longer qualifies under the original criteria,
63 or if the director finds that the zone is not being effectively promoted or developed, the director
64 may recommend [to the committee] that the designation of that area as an enterprise zone be
65 cancelled. All agreements negotiated under the benefits of such zone shall remain in effect for
66 the originally agreed upon duration. The [committee] **director** shall schedule a hearing on such
67 recommendation for not later than sixty days after the recommendation is filed with it. At the
68 hearing, interested parties, including the director, may present witnesses and evidence as to why
69 the enterprise zone designation for that particular area should be continued or cancelled. Within
70 thirty days after the hearing, the [committee] **director** shall determine whether or not the
71 designation should be continued. If it is not continued, the director shall remove the designation
72 from the area and, following the procedures outlined in this section, award the designation of an
73 enterprise zone to another applicant. If an area has requested a designated enterprise zone, and
74 met all existing statutory requirements, but has not been designated such, then the applicant may
75 appeal [to the joint legislative committee on economic development policy and planning] for a
76 hearing to determine its eligibility for such a designation. [The review of the director's
77 evaluation and the hearing thereon, and any appeal as provided for in this subsection, by the joint
78 legislative committee on economic development policy and planning shall be an additional duty
79 for that body.]

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate
2 are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell
3 the respective parcels of real estate ordered sold by him or her pursuant to any judgment of
4 foreclosure by any court pursuant to sections 141.210 to 141.810 and **141.980 to 141.1015** at
5 any of such courthouses, but the sale of such parcels of real estate shall be held at the same front
6 door as sales of real estate are customarily made by the sheriff under execution.

7 2. Such advertisements may include more than one parcel of real estate, and shall be in
8 substantially the following form:

9 NOTICE OF SHERIFF'S SALE
10 UNDER JUDGMENT OF
11 FORECLOSURE OF LIENS FOR

DELINQUENT LAND TAXES

No.

In the Circuit Court of

County, Missouri.

In the Matter of Foreclosure of Liens

for Delinquent Land Taxes

Collector of Revenue of

County, Missouri,

Plaintiff,

vs.

Parcels of Land encumbered with

Delinquent Tax Liens,

Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I, Sheriff of County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the front door of the County Courthouse in, Missouri, on, the day of, 20.., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of (insert name of County), Missouri or Land Bank of the City of (insert name of municipality), Missouri.

Any bid received shall be subject to confirmation by the court.

.....

Sheriff of

County, Missouri

48
49 Delinquent Land Tax Attorney
50 Address:
51
52 First Publication
53 20. . .

54 3. Such advertisement shall be published four times, once a week, upon the same day of
55 each week during successive weeks prior to the date of such sale, in a daily newspaper of general
56 circulation regularly published in the county, qualified according to law for the publication of
57 public notices and advertisements.

58 4. In addition to the provisions herein for notice and advertisement of sale, the county
59 collector shall enter upon the property subject to foreclosure of these tax liens and post a written
60 informational notice in any conspicuous location thereon. This notice shall describe the property
61 and advise that it is the subject of delinquent land tax collection proceedings before the circuit
62 court brought pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** and that it may
63 be sold for the payment of delinquent taxes at a sale to be held at ten o'clock a.m., date and place,
64 and shall also contain a file number and the address and phone number of the collector. If the
65 collector chooses to post such notices as authorized by this subsection, such posting must be
66 made not later than the fourteenth day prior to the date of the sale.

67 5. The collector shall, concurrently with the beginning of the publication of sale, cause
68 to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief
69 notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to
70 sections 141.210 to 141.810 **and 141.980 to 141.1015**, to the persons named in the petition as
71 being the last known persons in whose names tax bills affecting the respective parcels of real
72 estate described in said petition were last billed or charged on the books of the collector, or the
73 last known owner of record, if different, and to the addresses of said persons upon said records
74 of the collector. The terms "restricted", "registered" or "certified mail" as used in this section
75 mean mail which carries on the face thereof in a conspicuous place, where it will not be
76 obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires
77 a return receipt or a statement by the postal authorities that the addressee refused to receive and
78 receipt for such mail. If the notice is returned to the collector by the postal authorities as
79 undeliverable for reasons other than the refusal by the addressee to receive and receipt for the
80 notice as shown by the return receipt, then the collector shall make a search of the records
81 maintained by the county, including those kept by the recorder of deeds, to discern the name and
82 address of any person who, from such records, appears as a successor to the person to whom the
83 original notice was addressed, and to cause another notice to be mailed to such person. The

84 collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit
85 reciting to the court any name, address and serial number of the tract of real estate affected of any
86 such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt
87 for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name
88 or address does not appear on the records of the collector, then of that fact. The affidavit in
89 addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

90 6. The collector may, at his or her option, concurrently with the beginning of the
91 publication of sale, cause to be prepared and sent by restricted, registered or certified mail with
92 postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure
93 of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if
94 known, of the respective parcels of real estate described in said petition, and to the addressee of
95 such mortgagee or security holder according to the records of the collector. The terms
96 "restricted", "registered" or "certified mail" as used in this section mean mail which carries on
97 the face thereof in a conspicuous place, where it will not be obliterated, the endorsement,
98 "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement
99 by the postal authorities that the addressee refused to receive and receipt for such mail. If the
100 notice is returned to the collector by the postal authorities as undeliverable for reasons other than
101 the refusal by the addressee to receive and receipt for the notice as shown by the return receipt,
102 then the collector shall make a search of the records maintained by the county, including those
103 kept by the recorder of deeds, to discern the name and address of any security holder who, from
104 such records, appears as a successor to the security holder to whom the original notice was
105 addressed, and to cause another notice to be mailed to such security holder. The collector shall
106 prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the
107 court any name, address and serial number of the tract of real estate affected by any such notices
108 of sale that are undeliverable because of an addressee's refusal to receive and receipt for the
109 same, or of any notice otherwise nondeliverable by mail, and stating the reason for the
110 nondelivery of such notice.

143.811. 1. Under regulations prescribed by the director of revenue, interest shall be
2 allowed and paid at the rate determined by section 32.065 on any overpayment in respect of the
3 tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from
4 the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing
5 of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect
6 to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section
7 143.631, interest shall be paid thereon at the rate in section 32.065 from the date of the deposit
8 to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one
9 dollar.

10 2. For purposes of this section:

11 (1) Any return filed before the last day prescribed for the filing thereof shall be
12 considered as filed on such last day determined without regard to any extension of time granted
13 the taxpayer;

14 (2) Any tax paid by the taxpayer before the last day prescribed for its payment, any
15 income tax withheld from the taxpayer during any calendar year, and any amount paid by the
16 taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him
17 on the fifteenth day of the fourth month following the close of his taxable year to which such
18 amount constitutes a credit or payment.

19 3. For purposes of this section with respect to any withholding tax:

20 (1) If a return for any period ending with or within a calendar year is filed before April
21 fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of
22 such succeeding calendar year; and

23 (2) If a tax with respect to remuneration paid during any period ending with or within
24 a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be
25 considered paid on April fifteenth of such succeeding calendar year.

26 4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded
27 within four months after the last date prescribed (or permitted by extension of time) for filing the
28 return of such tax or within four months after the return was filed, whichever is later, no interest
29 shall be allowed under this section on overpayment.

30 5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded
31 within ninety days after the last date prescribed or permitted by extension of time for filing the
32 return of such tax, no interest shall be allowed under this section on overpayment.

33 6. Any overpayment resulting from a carryback, including a net operating loss and a
34 corporate capital loss, shall be deemed not to have been made prior to the close of the taxable
35 year in which the loss arises.

36 7. Any overpayment resulting from a carryback of a tax credit, including but not limited
37 to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been
38 made prior to the close of the taxable year in which the tax credit was authorized. [In fiscal year
39 2003, the commissioner of administration shall estimate the amount of any additional state
40 revenue received pursuant to the provisions of this subsection and shall transfer an equivalent
41 amount of general revenue to the schools of the future fund created in section 163.005.]

 144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail

5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) [Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul
40 property on the public highways of the state, and that are capable of hauling loads commensurate

41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment
42 purchased for use directly upon, and for the repair and maintenance or manufacture of such
43 vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the
44 meaning as ascribed in section 390.020;

45 (5)] Replacement machinery, equipment, and parts and the materials and supplies solely
46 required for the installation or construction of such replacement machinery, equipment, and
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
49 the materials and supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material
52 recovery processing plant" means a facility that has as its primary purpose the recovery of
53 materials into a product or a different form which is used in producing a new product and shall
54 include a facility or equipment which are used exclusively for the collection of recovered
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
58 within a manufacturing process or the use of a product previously recovered. The material
59 recovery processing plant shall qualify under the provisions of this section regardless of
60 ownership of the material being recovered;

61 [(6)] (5) Machinery and equipment, and parts and the materials and supplies solely
62 required for the installation or construction of such machinery and equipment, purchased and
63 used to establish new or to expand existing manufacturing, mining or fabricating plants in the
64 state if such machinery and equipment is used directly in manufacturing, mining or fabricating
65 a product which is intended to be sold ultimately for final use or consumption;

66 [(7)] (6) Tangible personal property which is used exclusively in the manufacturing,
67 processing, modification or assembling of products sold to the United States government or to
68 any agency of the United States government;

69 [(8)] (7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 [(9)] (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates
71 and other machinery, equipment, replacement parts and supplies used in producing newspapers
72 published for dissemination of news to the general public;

73 [(10)] (9) The rentals of films, records or any type of sound or picture transcriptions for
74 public commercial display;

75 [(11)] (10) Pumping machinery and equipment used to propel products delivered by
76 pipelines engaged as common carriers;

77 [(12)] **(11)** Railroad rolling stock for use in transporting persons or property in interstate
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of
80 persons or property;

81 [(13)] **(12)** Electrical energy used in the actual primary manufacture, processing,
82 compounding, mining or producing of a product, or electrical energy used in the actual secondary
83 processing or fabricating of the product, or a material recovery processing plant as defined in
84 subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost
85 of electrical energy so used exceeds ten percent of the total cost of production, either primary or
86 secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such
87 processing contain at least twenty-five percent recovered materials as defined in section 260.200.
88 There shall be a rebuttable presumption that the raw materials used in the primary manufacture
89 of automobiles contain at least twenty-five percent recovered materials. For purposes of this
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
91 materials to transform and reduce them to a different state or thing, including treatment necessary
92 to maintain or preserve such processing by the producer at the production facility;

93 [(14)] **(13)** Anodes which are used or consumed in manufacturing, processing,
94 compounding, mining, producing or fabricating and which have a useful life of less than one
95 year;

96 [(15)] **(14)** Machinery, equipment, appliances and devices purchased or leased and used
97 solely for the purpose of preventing, abating or monitoring air pollution, and materials and
98 supplies solely required for the installation, construction or reconstruction of such machinery,
99 equipment, appliances and devices;

100 [(16)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used
101 solely for the purpose of preventing, abating or monitoring water pollution, and materials and
102 supplies solely required for the installation, construction or reconstruction of such machinery,
103 equipment, appliances and devices;

104 [(17)] **(16)** Tangible personal property purchased by a rural water district;

105 [(18)] **(17)** All amounts paid or charged for admission or participation or other fees paid
106 by or other charges to individuals in or for any place of amusement, entertainment or recreation,
107 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated
108 by a municipality or other political subdivision where all the proceeds derived therefrom benefit
109 the municipality or other political subdivision and do not inure to any private person, firm, or
110 corporation;

111 [(19)] **(18)** All sales of insulin and prosthetic or orthopedic devices as defined on January
112 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of

113 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
114 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
115 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
116 administer those items, including samples and materials used to manufacture samples which may
117 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
118 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
119 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
120 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
121 one or more physical or mental disabilities to enable them to function more independently, all
122 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
123 alternative and augmentative communication devices, and items used solely to modify motor
124 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of
125 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by
126 the Food and Drug Administration to meet the over-the-counter drug product labeling
127 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
128 licensed to prescribe;

129 [(20)] **(19)** All sales made by or to religious and charitable organizations and institutions
130 in their religious, charitable or educational functions and activities and all sales made by or to
131 all elementary and secondary schools operated at public expense in their educational functions
132 and activities;

133 [(21)] **(20)** All sales of aircraft to common carriers for storage or for use in interstate
134 commerce and all sales made by or to not-for-profit civic, social, service or fraternal
135 organizations, including fraternal organizations which have been declared tax-exempt
136 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as
137 amended, in their civic or charitable functions and activities and all sales made to eleemosynary
138 and penal institutions and industries of the state, and all sales made to any private not-for-profit
139 institution of higher education not otherwise excluded pursuant to subdivision (20) of this
140 subsection or any institution of higher education supported by public funds, and all sales made
141 to a state relief agency in the exercise of relief functions and activities;

142 [(22)] **(21)** All ticket sales made by benevolent, scientific and educational associations
143 which are formed to foster, encourage, and promote progress and improvement in the science of
144 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
145 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
146 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
147 fair conducted by a county agricultural and mechanical society organized and operated pursuant
148 to sections 262.290 to 262.530;

149 [(23)] **(22)** All sales made to any private not-for-profit elementary or secondary school,
150 all sales of feed additives, medications or vaccines administered to livestock or poultry in the
151 production of food or fiber, all sales of pesticides used in the production of crops, livestock or
152 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for
153 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for
154 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel
155 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible
156 new generation cooperative or an eligible new generation processing entity as defined in section
157 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
158 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
159 additives" means tangible personal property which, when mixed with feed for livestock or
160 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
161 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
162 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
163 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
164 used in this subdivision, the term "farm machinery and equipment" means new or used farm
165 tractors and such other new or used farm machinery and equipment and repair or replacement
166 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
167 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
168 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
169 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
170 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 171 (a) Used exclusively for agricultural purposes;
172 (b) Used on land owned or leased for the purpose of producing farm products; and
173 (c) Used directly in producing farm products to be sold ultimately in processed form or
174 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
175 ultimately in processed form at retail;

176 [(24)] **(23)** Except as otherwise provided in section 144.032, all sales of metered water
177 service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home
178 heating oil for domestic use and in any city not within a county, all sales of metered or unmetered
179 water service for domestic use:

- 180 (a) "Domestic use" means that portion of metered water service, electricity, electrical
181 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
182 within a county, metered or unmetered water service, which an individual occupant of a
183 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
184 service through a single or master meter for residential apartments or condominiums, including

185 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
186 Each seller shall establish and maintain a system whereby individual purchases are determined
187 as exempt or nonexempt;

188 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
189 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
190 with and approved by the Missouri public service commission. Sales and purchases made
191 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
192 of the occupants of residential apartments or condominiums through a single or master meter,
193 including service for common areas and facilities and vacant units, shall be considered as sales
194 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
195 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
196 service rate classification and the provision of service thereunder shall be conclusive as to
197 whether or not the utility must charge sales tax;

198 (c) Each person making domestic use purchases of services or property and who uses any
199 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
200 of the fourth month following the year of purchase, and without assessment, notice or demand,
201 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
202 nondomestic purchases of services or property and who uses any portion of the services or
203 property so purchased for domestic use, and each person making domestic purchases on behalf
204 of occupants of residential apartments or condominiums through a single or master meter,
205 including service for common areas and facilities and vacant units, under a nonresidential utility
206 service rate classification may, between the first day of the first month and the fifteenth day of
207 the fourth month following the year of purchase, apply for credit or refund to the director of
208 revenue and the director shall give credit or make refund for taxes paid on the domestic use
209 portion of the purchase. The person making such purchases on behalf of occupants of residential
210 apartments or condominiums shall have standing to apply to the director of revenue for such
211 credit or refund;

212 [(25)] **(24)** All sales of handicraft items made by the seller or the seller's spouse if the
213 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from
214 such sales do not constitute a majority of the annual gross income of the seller;

215 [(26)] **(25)** Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061,
216 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The
217 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local
218 sales taxes on such excise taxes;

219 [(27)] **(26)** Sales of fuel consumed or used in the operation of ships, barges, or
220 waterborne vessels which are used primarily in or for the transportation of property or cargo, or

221 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this
222 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel
223 while it is afloat upon such river;

224 [(28)] **(27)** All sales made to an interstate compact agency created pursuant to sections
225 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities
226 of such agency as provided pursuant to the compact;

227 [(29)] **(28)** Computers, computer software and computer security systems purchased for
228 use by architectural or engineering firms headquartered in this state. For the purposes of this
229 subdivision, "headquartered in this state" means the office for the administrative management
230 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

231 [(30)] **(29)** All livestock sales when either the seller is engaged in the growing, producing
232 or feeding of such livestock, or the seller is engaged in the business of buying and selling,
233 bartering or leasing of such livestock;

234 [(31)] **(30)** All sales of barges which are to be used primarily in the transportation of
235 property or cargo on interstate waterways;

236 [(32)] **(31)** Electrical energy or gas, whether natural, artificial or propane, water, or other
237 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
238 products or in any material recovery processing plant as defined in subdivision (5) of this
239 subsection;

240 [(33)] **(32)** Notwithstanding other provisions of law to the contrary, all sales of pesticides
241 or herbicides used in the production of crops, aquaculture, livestock or poultry;

242 [(34)] **(33)** Tangible personal property and utilities purchased for use or consumption
243 directly or exclusively in the research and development of agricultural/biotechnology and plant
244 genomics products and prescription pharmaceuticals consumed by humans or animals;

245 [(35)] **(34)** All sales of grain bins for storage of grain for resale;

246 [(36)] **(35)** All sales of feed which are developed for and used in the feeding of pets
247 owned by a commercial breeder when such sales are made to a commercial breeder, as defined
248 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

249 [(37)] **(36)** All purchases by a contractor on behalf of an entity located in another state,
250 provided that the entity is authorized to issue a certificate of exemption for purchases to a
251 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
252 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
253 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
254 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
255 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
256 exempt entity to the contractor is later determined by the director of revenue to be invalid for any

reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

~~[(38)]~~ **(37)** All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

~~[(39)]~~ **(38)** Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

~~[(40)]~~ **(39)** All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

~~[(41)]~~ **(40)** Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

~~[(42)]~~ **(41)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(42) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and

293 **maintenance or manufacture of such vehicles. For purposes of this subdivision "motor**
294 **vehicle" and "public highway" shall have the meaning as ascribed in section 390.020.**

160.254. 1. There is hereby established a joint committee of the general assembly, which
2 shall be known as the "Joint Committee on Education", which shall be composed of seven
3 members of the senate and seven members of the house of representatives. The senate members
4 of the committee shall be appointed by the president pro tem of the senate and the house
5 members by the speaker of the house.

6 2. The committee shall meet at least twice a year. In the event of three consecutive
7 absences on the part of any member, such member may be removed from the committee.

8 3. The committee shall select either a chairman or cochairmen, one of whom shall be a
9 member of the senate and one a member of the house. A majority of the members shall
10 constitute a quorum. Meetings of the committee may be called at such time and place as the
11 chairman or chairmen designate.

12 4. The committee shall:

13 (1) Review and monitor the progress of education in the state's public schools and
14 institutions of higher education;

15 (2) Receive reports from the commissioner of education concerning the public schools
16 and from the commissioner of higher education concerning institutions of higher education;

17 (3) Conduct a study and analysis of the public school system;

18 (4) Make recommendations to the general assembly for legislative action;

19 (5) Conduct an in-depth study concerning all issues relating to the equity and adequacy
20 of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall
21 funding levels for schools and any other education funding-related issues the committee deems
22 relevant;

23 (6) Monitor the establishment of performance measures as required by section 173.1006
24 and report on their establishment to the governor and the general assembly;

25 (7) Conduct studies and analysis regarding:

26 (a) The higher education system, including financing public higher education and the
27 provision of financial aid for higher education; and

28 (b) The feasibility of including students enrolled in proprietary schools, as that term is
29 defined in section 173.600, in all state-based financial aid programs;

30 (8) Annually review the collection of information under section 173.093 to facilitate a
31 more accurate comparison of the actual costs at public and private higher education institutions;

32 (9) Within three years of August 28, 2007, review a new model for the funding of public
33 higher education institutions upon submission of such model by the coordinating board for
34 higher education;

35 (10) Within three years of August 28, 2007, review the impact of the higher education
36 student funding act established in sections 173.1000 to 173.1006;

37 (11) Beginning August 28, 2008, upon review, approve or deny any expenditures made
38 by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of
39 section 160.530.

40 5. [During the legislative interim between the first regular session of the ninety-fifth
41 general assembly through January 29, 2010, of the second regular session of the ninety-fifth
42 general assembly, the joint committee on education shall study the issue of open enrollment for
43 public school students across school district boundary lines in this state. In studying this issue,
44 the joint committee may solicit input and information necessary to fulfill its obligation, including
45 but not limited to soliciting input and information from any state department, state agency,
46 school district, political subdivisions of this state, teachers, and the general public. The joint
47 committee shall prepare a final report, together with its recommendations for any legislative
48 action deemed necessary for submission to the general assembly by December 31, 2009.

49 6.] The committee may make reasonable requests for staff assistance from the research
50 and appropriations staffs of the house and senate and the committee on legislative research, as
51 well as the department of elementary and secondary education, the department of higher
52 education, the coordinating board for higher education, the state tax commission, the department
53 of economic development, all school districts and other political subdivisions of this state,
54 teachers and teacher groups, business and other commercial interests and any other interested
55 persons.

56 [7.] 6. Members of the committee shall receive no compensation but may be reimbursed
57 for reasonable and necessary expenses associated with the performance of their official duties.

160.534. [1.] For fiscal year 1996 and each subsequent fiscal year, any amount of the
2 excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess
3 of the amount transferred to the school district bond fund as provided in section 164.303 shall
4 be transferred to the classroom trust fund. Such moneys shall be distributed in the manner
5 provided in section 163.043.

6 [2. Starting in fiscal year 2009, and for each subsequent fiscal year, all excursion
7 gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the
8 amount transferred to the classroom trust fund for fiscal year 2008 plus the amount appropriated
9 to the school district bond fund in accordance with section 164.303 shall be deposited into the
10 schools first elementary and secondary education improvement fund. The provisions of this
11 subsection shall terminate on July 1, 2010.

12 3. The amounts deposited in the schools first elementary and secondary education
13 improvement fund pursuant to this section shall constitute new and additional funding for

14 elementary and secondary education and shall not be used to replace existing funding provided
15 for elementary and secondary education. The provisions of this subsection shall terminate on
16 July 1, 2009.]

168.081. After September 1, 1988, no person without a valid Missouri certificate shall:

2 (1) Engage in the practice of teaching or the performance of education duties in grades
3 kindergarten through twelve in any public school in the state;

4 (2) Act as a school administrator in any public school district[, unless such person
5 obtains a temporary administrator certificate pursuant to section 168.083].

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,
2 snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first six days of school lost or cancelled due
4 to inclement weather and half the number of days lost or cancelled in excess of six days if the
5 makeup of the days is necessary to ensure that the district's students will attend a minimum of
6 one hundred forty-two days and a minimum of one thousand forty-four hours for the school year
7 except as otherwise provided in this section. Schools with a four-day school week may schedule
8 such make-up days on Fridays.

9 3. [In the 2008-09 school year a school district may be exempt from the requirement to
10 make up days of school lost or cancelled due to inclement weather in the school district when
11 the school district has made up the six days required under subsection 2 of this section and half
12 the number of additional lost or cancelled days up to eight days, resulting in no more than ten
13 total make-up days required by this section.

14 4.] In the 2009-10 school year and subsequent years, a school district may be exempt
15 from the requirement to make up days of school lost or cancelled due to inclement weather in
16 the school district when the school district has made up the six days required under subsection
17 2 of this section and half the number of additional lost or cancelled days up to eight days,
18 resulting in no more than ten total make-up days required by this section.

19 [5.] 4. The commissioner of education may provide, for any school district in which
20 schools are in session for twelve months of each calendar year that cannot meet the minimum
21 school calendar requirement of at least one hundred seventy-four days for schools with a five-day
22 school week or one hundred forty-two days for schools with a four-day school week and one
23 thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from
24 such requirement. This waiver shall be requested from the commissioner of education and may
25 be granted if the school was closed due to circumstances beyond school district control,
26 including inclement weather, flooding or fire.

178.930. 1. [(1) Beginning July 1, 2009, and until June 30, 2010, the department of
2 elementary and secondary education shall pay monthly, out of the funds appropriated to it for that

3 purpose, to each sheltered workshop a sum equal to ninety dollars for each standard workweek
4 (Monday through Friday) of up to and including thirty hours worked during the preceding
5 calendar month. Eighteen dollars shall be paid for each six-hour or longer day worked by a
6 handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a
7 sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays,
8 the workshop shall receive a percentage of the corresponding amount normally paid based on the
9 percentage of time worked by the handicapped employee.

10 (2)] Beginning July 1, 2010, and thereafter, the department of elementary and secondary
11 education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered
12 workshop a sum equal to ninety-five dollars for each standard workweek (Monday through
13 Friday) of up to and including thirty hours worked during the preceding calendar month.
14 Nineteen dollars shall be paid for each six-hour or longer day worked by a handicapped
15 employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered
16 workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the
17 workshop shall receive a percentage of the corresponding amount normally paid based on the
18 percentage of time worked by the handicapped employee.

19 2. The department shall accept, as prima facie proof of payment due to a sheltered
20 workshop, information as designated by the department, either in paper or electronic format. A
21 statement signed by the president, secretary, and manager of the sheltered workshop, setting forth
22 the dates worked and the number of hours worked each day by each handicapped person
23 employed by that sheltered workshop during the preceding calendar month, together with any
24 other information required by the rules or regulations of the department, shall be maintained at
25 the workshop location.

26 3. There is hereby created in the state treasury the "Sheltered Workshop Per Diem
27 Revolving Fund" which shall be administered by the commissioner of the department of
28 elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this
29 section shall be deposited in the fund and expended as described in subsection 1 of this section.

30 4. The balance of the sheltered workshop per diem revolving fund shall not exceed five
31 hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions
32 of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.
33 Any unexpended balance in the sheltered workshop per diem revolving fund at the end of each
34 fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue
35 fund.

196.1035. 1. A determination of the director not to list, or to remove from the directory,
2 a brand family or tobacco product manufacturer shall be subject to review by a court of
3 competent jurisdiction.

4 2. No person shall be issued, or granted a renewal of, a license under chapter 149 unless
5 such person has certified, in writing and under the penalty of perjury, that such person will
6 comply fully with sections 196.1020 to 196.1035.

7 3. [For the calendar year 2010, if the effective date of sections 196.1020 to 196.1035 is
8 later than March 16, 2010:

9 (1) The first report of stamping agents required in subsection 1 of section 196.1029 shall
10 be due thirty calendar days after July 7, 2010;

11 (2) The certification by a tobacco product manufacturer described in subsection 1 of
12 section 196.1023 shall be due forty-five calendar days after July 7, 2010; and

13 (3) The directory described in subsection 2 of section 196.1023 shall be published, or
14 made available, within one hundred thirty-five calendar days after July 7, 2010.

15 4.] The director may promulgate rules necessary to effect the purpose of sections
16 196.1020 to 196.1035. Any rule or portion of a rule, as that term is defined in section 536.010
17 that is created under the authority delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
19 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
20 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
21 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
22 and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

23 [5.] 4. There is hereby created in the state treasury the "Tobacco Control Special Fund",
24 which shall consist of money collected under this section. The state treasurer shall be custodian
25 of the fund and may approve disbursements from the fund in accordance with sections 30.170
26 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration
27 of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the
28 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the
29 same manner as other funds are invested. Any interest and moneys earned on such investments
30 shall be credited to the fund.

31 [6.] 5. If a court of competent jurisdiction determines that a person has violated sections
32 196.1020 to 196.1035, such court shall order any profits, gains, gross receipts, or other benefits
33 from such violation be disgorged and paid to the state treasurer for deposit in the "Tobacco
34 Control Special Fund" **which is hereby created**. Unless otherwise expressly provided, the
35 remedies or penalties provided by sections 196.1020 to 196.1035 are cumulative to each other
36 and to the remedies or penalties available under all other laws of this state.

37 [7.] 6. If a court of competent jurisdiction finds that the provisions of sections 196.1003
38 and 196.1020 to 196.1035 conflict and cannot be harmonized, the provisions of section 196.1003
39 shall control. If any section or portion of a section in sections 196.1020 to 196.1035 causes

40 section 196.1003 to no longer constitute a qualifying or model statute, as those terms are defined
41 in the master settlement agreement, that portion of sections 196.1020 to 196.1035 shall be
42 invalid.

198.087. To ensure uniformity of application of regulation standards in long-term care
2 facilities throughout the state, the department of [social] **health and senior** services shall:

3 (1) Evaluate the requirements for inspectors or surveyors of facilities, including the
4 eligibility, training and testing requirements for the position. Based on the evaluation, the
5 department shall develop and implement additional training and knowledge standards for
6 inspectors and surveyors;

7 (2) Periodically evaluate the performance of the inspectors or surveyors regionally and
8 statewide to identify any deviations or inconsistencies in regulation application. At a minimum,
9 [the Missouri on-site surveyor evaluation process, and] the number and type of actions
10 overturned by the informal dispute resolution process and formal appeal shall be used in the
11 evaluation. Based on such evaluation, the department shall develop standards and a retraining
12 process for the region, state, or individual inspector or surveyor, as needed;

13 (3) In addition to the provisions of subdivisions (1) and (2) of this section, the
14 department shall develop a single uniform comprehensive and mandatory course of instruction
15 for inspectors/surveyors on the practical application of enforcement of statutes, rules and
16 regulations. Such course shall also be open to attendance by administrators and staff of facilities
17 licensed pursuant to this chapter[;

18 (4) With the full cooperation of and in conjunction with the department of health and
19 senior services, evaluate the implementation and compliance of the provisions of subdivision (3)
20 of subsection 1 of section 198.012 in which rules, requirements, regulations and standards
21 pursuant to section 197.080 for assisted living facilities, intermediate care facilities and skilled
22 nursing facilities attached to an acute care hospital are consistent with the intent of this chapter;
23 and

24 (5) With the full cooperation and in conjunction with the department of health and senior
25 services, develop rules and regulations requiring the exchange of information, including
26 regulatory violations, between the departments to ensure the protection of individuals who are
27 served by health care providers regulated by either the department of health and senior services
28 or the department of social services[.

208.955. 1. There is hereby established in the department of social services the "MO
2 HealthNet Oversight Committee", which shall be appointed by January 1, 2008, and shall consist
3 of nineteen members as follows:

4 (1) Two members of the house of representatives, one from each party, appointed by the
5 speaker of the house of representatives and the minority floor leader of the house of
6 representatives;

7 (2) Two members of the Senate, one from each party, appointed by the president pro tem
8 of the senate and the minority floor leader of the senate;

9 (3) One consumer representative who has no financial interest in the health care industry
10 and who has not been an employee of the state within the last five years;

11 (4) Two primary care physicians, licensed under chapter 334, who care for participants,
12 not from the same geographic area, chosen in the same manner as described in section 334.120;

13 (5) Two physicians, licensed under chapter 334, who care for participants but who are
14 not primary care physicians and are not from the same geographic area, chosen in the same
15 manner as described in section 334.120;

16 (6) One representative of the state hospital association;

17 (7) Two nonphysician health care professionals, the first nonphysician health care
18 professional licensed under chapter 335 and the second nonphysician health care professional
19 licensed under chapter 337, who care for participants;

20 (8) One dentist, who cares for participants, chosen in the same manner as described in
21 section 332.021;

22 (9) Two patient advocates who have no financial interest in the health care industry and
23 who have not been employees of the state within the last five years;

24 (10) One public member who has no financial interest in the health care industry and
25 who has not been an employee of the state within the last five years; and

26 (11) The directors of the department of social services, the department of mental health,
27 the department of health and senior services, or the respective directors' designees, who shall
28 serve as ex officio members of the committee.

29 2. The members of the oversight committee, other than the members from the general
30 assembly and ex officio members, shall be appointed by the governor with the advice and
31 consent of the senate. A chair of the oversight committee shall be selected by the members of
32 the oversight committee. Of the members first appointed to the oversight committee by the
33 governor, eight members shall serve a term of two years, seven members shall serve a term of
34 one year, and thereafter, members shall serve a term of two years. Members shall continue to
35 serve until their successor is duly appointed and qualified. Any vacancy on the oversight
36 committee shall be filled in the same manner as the original appointment. Members shall serve
37 on the oversight committee without compensation but may be reimbursed for their actual and
38 necessary expenses from moneys appropriated to the department of social services for that

39 purpose. The department of social services shall provide technical, actuarial, and administrative
40 support services as required by the oversight committee. The oversight committee shall:

41 (1) Meet on at least four occasions annually, including at least four before the end of
42 December of the first year the committee is established. Meetings can be held by telephone or
43 video conference at the discretion of the committee;

44 (2) Review the participant and provider satisfaction reports and the reports of health
45 outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices
46 as required of the health improvement plans and the department of social services under section
47 208.950;

48 (3) Review the results from other states of the relative success or failure of various
49 models of health delivery attempted;

50 (4) Review the results of studies comparing health plans conducted under section
51 208.950;

52 (5) Review the data from health risk assessments collected and reported under section
53 208.950;

54 (6) Review the results of the public process input collected under section 208.950;

55 (7) Advise and approve proposed design and implementation proposals for new health
56 improvement plans submitted by the department, as well as make recommendations and suggest
57 modifications when necessary;

58 (8) Determine how best to analyze and present the data reviewed under section 208.950
59 so that the health outcomes, participant and provider satisfaction, results from other states, health
60 plan comparisons, financial impact of the various health improvement plans and models of care,
61 study of provider access, and results of public input can be used by consumers, health care
62 providers, and public officials;

63 (9) Present significant findings of the analysis required in subdivision (8) of this
64 subsection in a report to the general assembly and governor, at least annually, beginning January
65 1, 2009;

66 (10) Review the budget forecast issued by the legislative budget office, and the report
67 required under subsection (22) of subsection 1 of section 208.151, and after study:

68 (a) Consider ways to maximize the federal drawdown of funds;

69 (b) Study the demographics of the state and of the MO HealthNet population, and how
70 those demographics are changing;

71 (c) Consider what steps are needed to prepare for the increasing numbers of participants
72 as a result of the baby boom following World War II;

73 (11) Conduct a study to determine whether an office of inspector general shall be
74 established. Such office would be responsible for oversight, auditing, investigation, and

75 performance review to provide increased accountability, integrity, and oversight of state medical
76 assistance programs, to assist in improving agency and program operations, and to deter and
77 identify fraud, abuse, and illegal acts. The committee shall review the experience of all states
78 that have created a similar office to determine the impact of creating a similar office in this state;
79 and

80 (12) Perform other tasks as necessary, including but not limited to making
81 recommendations to the division concerning the promulgation of rules and emergency rules so
82 that quality of care, provider availability, and participant satisfaction can be assured.

83 3. [By July 1, 2011, the oversight committee shall issue findings to the general assembly
84 on the success and failure of health improvement plans and shall recommend whether or not any
85 health improvement plans should be discontinued.

86 4.] The oversight committee shall designate a subcommittee devoted to advising the
87 department on the development of a comprehensive entry point system for long-term care that
88 shall:

89 (1) Offer Missourians an array of choices including community-based, in-home,
90 residential and institutional services;

91 (2) Provide information and assistance about the array of long-term care services to
92 Missourians;

93 (3) Create a delivery system that is easy to understand and access through multiple
94 points, which shall include but shall not be limited to providers of services;

95 (4) Create a delivery system that is efficient, reduces duplication, and streamlines access
96 to multiple funding sources and programs;

97 (5) Strengthen the long-term care quality assurance and quality improvement system;

98 (6) Establish a long-term care system that seeks to achieve timely access to and payment
99 for care, foster quality and excellence in service delivery, and promote innovative and
100 cost-effective strategies; and

101 (7) Study one-stop shopping for seniors as established in section 208.612.

102 [5.] 4. The subcommittee shall include the following members:

103 (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee
104 chair;

105 (2) One member from a Missouri area agency on aging, designated by the governor;

106 (3) One member representing the in-home care profession, designated by the governor;

107 (4) One member representing residential care facilities, predominantly serving MO
108 HealthNet participants, designated by the governor;

109 (5) One member representing assisted living facilities or continuing care retirement
110 communities, predominantly serving MO HealthNet participants, designated by the governor;

- 111 (6) One member representing skilled nursing facilities, predominantly serving MO
112 HealthNet participants, designated by the governor;
- 113 (7) One member from the office of the state ombudsman for long-term care facility
114 residents, designated by the governor;
- 115 (8) One member representing Missouri centers for independent living, designated by the
116 governor;
- 117 (9) One consumer representative with expertise in services for seniors or persons with
118 a disability, designated by the governor;
- 119 (10) One member with expertise in Alzheimer's disease or related dementia;
- 120 (11) One member from a county developmental disability board, designated by the
121 governor;
- 122 (12) One member representing the hospice care profession, designated by the governor;
- 123 (13) One member representing the home health care profession, designated by the
124 governor;
- 125 (14) One member representing the adult day care profession, designated by the governor;
- 126 (15) One member gerontologist, designated by the governor;
- 127 (16) Two members representing the aged, blind, and disabled population, not of the same
128 geographic area or demographic group designated by the governor;
- 129 (17) The directors of the departments of social services, mental health, and health and
130 senior services, or their designees; and
- 131 (18) One member of the house of representatives and one member of the senate serving
132 on the oversight committee, designated by the oversight committee chair.
- 133
- 134 Members shall serve on the subcommittee without compensation but may be reimbursed for their
135 actual and necessary expenses from moneys appropriated to the department of health and senior
136 services for that purpose. The department of health and senior services shall provide technical
137 and administrative support services as required by the committee.
- 138 [6. By October 1, 2008, the comprehensive entry point system subcommittee shall
139 submit its report to the governor and general assembly containing recommendations for the
140 implementation of the comprehensive entry point system, offering suggested legislative or
141 administrative proposals deemed necessary by the subcommittee to minimize conflict of interests
142 for successful implementation of the system. Such report shall contain, but not be limited to,
143 recommendations for implementation of the following consistent with the provisions of section
144 208.950:
- 145 (1) A complete statewide universal information and assistance system that is integrated
146 into the web-based electronic patient health record that can be accessible by phone, in-person,

147 via MO HealthNet providers and via the internet that connects consumers to services or
148 providers and is used to establish consumers' needs for services. Through the system, consumers
149 shall be able to independently choose from a full range of home, community-based, and
150 facility-based health and social services as well as access appropriate services to meet individual
151 needs and preferences from the provider of the consumer's choice;

152 (2) A mechanism for developing a plan of service or care via the web-based electronic
153 patient health record to authorize appropriate services;

154 (3) A preadmission screening mechanism for MO HealthNet participants for nursing
155 home care;

156 (4) A case management or care coordination system to be available as needed; and

157 (5) An electronic system or database to coordinate and monitor the services provided
158 which are integrated into the web-based electronic patient health record.

159 7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide
160 to the governor, lieutenant governor and the general assembly a yearly report that provides an
161 update on progress made by the subcommittee toward implementing the comprehensive entry
162 point system.

163 8.] 5. The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.

210.114. 1. Except as otherwise provided in section 207.085, a private contractor, as
2 defined in subdivision [(4)] (5) of section 210.110, with the children's division that receives state
3 moneys from the division or the department for providing services to children and their families
4 shall have qualified immunity from civil liability for providing such services when the child is
5 not in the physical care of such private contractor to the same extent that the children's division
6 has qualified immunity from civil liability when the division or department directly provides
7 such services.

8 2. This section shall not apply if a private contractor described above knowingly violates
9 a stated or written policy of the division, any rule promulgated by the division, or any state law
10 directly related to child abuse and neglect, or any state law directly related to the child abuse and
11 neglect activities of the division or any local ordinance relating to the safety condition of the
12 property.

288.036. 1. "Wages" means all remuneration, payable or paid, for personal services
2 including commissions and bonuses and, except as provided in subdivision (7) of this section,
3 the cash value of all remuneration paid in any medium other than cash. Gratuities, including tips
4 received from persons other than the employing unit, shall be considered wages only if required
5 to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Sec. 3306,
6 and shall be, for the purposes of this chapter, treated as having been paid by the employing unit.
7 Severance pay shall be considered as wages to the extent required pursuant to the Federal

8 Unemployment Tax Act, 26 U.S.C. Section 3306(b). Vacation pay and holiday pay shall be
9 considered as wages for the week with respect to which it is payable. The term "wages" shall
10 not include:

11 (1) The amount of any payment made (including any amount paid by an employing unit
12 for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of,
13 an individual under a plan or system established by an employing unit which makes provision
14 generally for individuals performing services for it or for a class or classes of such individuals,
15 on account of:

16 (a) Sickness or accident disability, but in case of payments made to an employee or any
17 of the employee's dependents this paragraph shall exclude from the term wages only payments
18 which are received pursuant to a workers' compensation law; or

19 (b) Medical and hospitalization expenses in connection with sickness or accident
20 disability; or

21 (c) Death;

22 (2) The amount of any payment on account of sickness or accident disability, or medical
23 or hospitalization expenses in connection with sickness or accident disability, made by an
24 employing unit to, or on behalf of, an individual performing services for it after the expiration
25 of six calendar months following the last calendar month in which the individual performed
26 services for such employing unit;

27 (3) The amount of any payment made by an employing unit to, or on behalf of, an
28 individual performing services for it or his or her beneficiary:

29 (a) From or to a trust described in 26 U.S.C. 401(a) which is exempt from tax pursuant
30 to 26 U.S.C. 501(a) at the time of such payment unless such payment is made to an employee
31 of the trust as remuneration for services rendered as such an employee and not as a beneficiary
32 of the trust; or

33 (b) Under or to an annuity plan which, at the time of such payments, meets the
34 requirements of Section 404(a)(2) of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 404);

35 (4) The amount of any payment made by an employing unit (without deduction from the
36 remuneration of the individual in employment) of the tax imposed pursuant to Section 3101 of
37 the Federal Internal Revenue Code (26 U.S.C.A. Sec. 3101) upon an individual with respect to
38 remuneration paid to an employee for domestic service in a private home or for agricultural
39 labor;

40 (5) Remuneration paid in any medium other than cash to an individual for services not
41 in the course of the employing unit's trade or business;

42 (6) Remuneration paid in the form of meals provided to an individual in the service of
43 an employing unit where such remuneration is furnished on the employer's premises and at the

44 employer's convenience, except that remuneration in the form of meals that is considered wages
45 and required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C.
46 Sec. 3306 shall be reported as wages as required thereunder;

47 (7) For the purpose of determining wages paid for agricultural labor as defined in
48 paragraph (b) of subdivision (1) of subsection 12 of section 288.034 and for domestic service as
49 defined in subsection 13 of section 288.034, only cash wages paid shall be considered;

50 (8) Beginning on October 1, 1996, any payment to, or on behalf of, an employee or the
51 employee's beneficiary under a cafeteria plan, if such payment would not be treated as wages
52 pursuant to the Federal Unemployment Tax Act.

53 2. The increases or decreases to the state taxable wage base for the remainder of calendar
54 year 2004 shall be eight thousand dollars, and the state taxable wage base in calendar year 2005,
55 and each calendar year thereafter, shall be determined by the provisions within this subsection.
56 On January 1, 2005, the state taxable wage base for calendar year 2005, 2006, and 2007 shall be
57 eleven thousand dollars. The taxable wage base for calendar year 2008 shall be twelve thousand
58 dollars. The state taxable wage base for each calendar year thereafter shall be determined by the
59 average balance of the unemployment compensation trust fund of the four preceding calendar
60 quarters (September thirtieth, June thirtieth, March thirty-first, and December thirty-first of the
61 preceding calendar year), less any outstanding federal Title XII advances received pursuant to
62 section 288.330, less the principal, interest, and administrative expenses related to any credit
63 instrument issued under section [288.030] **288.330**, and less the principal, interest, and
64 administrative expenses related to any financial agreements under subdivision (17) of subsection
65 2 of section 288.330. When the average balance of the unemployment compensation trust fund
66 of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first, and
67 December thirty-first of the preceding calendar year), as so determined is:

68 (1) Less than, or equal to, three hundred fifty million dollars, then the wage base shall
69 increase by one thousand dollars; or

70 (2) Six hundred fifty million or more, then the state taxable wage base for the subsequent
71 calendar year shall be decreased by five hundred dollars. In no event, however, shall the state
72 taxable wage base increase beyond twelve thousand five hundred dollars, or decrease to less than
73 seven thousand dollars. For calendar year 2009, the tax wage base shall be twelve thousand five
74 hundred dollars.

75

76 For calendar year 2010 and each calendar year thereafter, in no event shall the state taxable wage
77 base increase beyond thirteen thousand dollars, or decrease to less than seven thousand dollars.
78 For any calendar year, the state taxable wage base shall not be reduced to less than that part of
79 the remuneration which is subject to a tax under a federal law imposing a tax against which

80 credit may be taken for contributions required to be paid into a state unemployment
 81 compensation trust fund. Nothing in this section shall be construed to prevent the wage base
 82 from increasing or decreasing by increments of five hundred dollars.

288.121. [1.] On October first of each calendar year, if the average balance, less any
 2 federal advances, of the unemployment compensation trust fund of the four preceding quarters
 3 (September thirtieth, June thirtieth, March thirty-first and December thirty-first of the preceding
 4 calendar year) is less than four hundred fifty million dollars, then each employer's contribution
 5 rate calculated for the four calendar quarters of the succeeding calendar year shall be increased
 6 by the percentage determined from the following table:

Balance in Trust Fund			Percentage of Increase
Less Than	Equals or Exceeds		
\$450,000,000	\$400,000,000		10%
\$400,000,000	\$350,000,000		20%
\$350,000,000			30%

13
 14 For calendar years 2005, 2006, and 2007, the contribution rate of any employer who is paying
 15 the maximum contribution rate shall be increased by forty percent, instead of thirty percent as
 16 previously indicated in the table in this section.

17 [2. For calendar year 2007 and each year thereafter, an employer's total contribution rate
 18 shall equal the employer's contribution rate plus a temporary debt indebtedness assessment equal
 19 to the amount to be determined in subdivision (6) of subsection 2 of section 288.330 added to
 20 the contribution rate plus the increase authorized under subsection 1 of this section. Any moneys
 21 overcollected beyond the actual administrative, interest and principal repayment costs for the
 22 credit instruments used shall be deposited into the state unemployment insurance trust fund and
 23 credited to the employer's experience account.]

288.128. 1. If the fund is utilizing moneys advanced by the federal government under
 2 the provisions of 42 U.S.C.A., Section 1321, pursuant to section 288.330, each employer may
 3 be assessed an amount solely for the payment of interest due on such federal advancements. The
 4 rate shall be determined by dividing the interest due on federal advancements by ninety-five
 5 percent of the total taxable wages paid by all Missouri employers in the preceding calendar year.
 6 Each employer's proportionate share shall be the product obtained by multiplying such
 7 employer's total taxable wages for the preceding calendar year by the rate specified in this
 8 section. Each employer shall be notified of the amount due under this section by June thirtieth
 9 of each year and such amount shall be considered delinquent thirty days thereafter. The moneys

10 collected from each employer for the payment of interest due on federal advances shall be
11 deposited in the special employment security fund.

12 2. If on December thirty-first of any year the money collected under subsection 1 of this
13 section exceeds the amount of interest due on federal advancements by one hundred thousand
14 dollars or more, then each employer's experience rating account shall be credited with an amount
15 which bears the same ratio to the excess moneys collected under this section as that employer's
16 payment collected under this section bears to the total amount collected under this section.
17 Further, if on December thirty-first of any year the moneys collected under this section exceed
18 the amount of interest due on the federal advancements by less than one hundred thousand
19 dollars, the balance shall be transferred from the special employment security fund to the
20 Secretary of the Treasury of the United States to be credited to the account of this state in the
21 unemployment trust fund.

22 3. If the fund is utilizing moneys from the proceeds of credit instruments issued under
23 section 288.330, or from the moneys advanced under financial agreements under subdivision
24 (17) of subsection 2 of section 288.330, or a combination of credit instrument proceeds and
25 moneys advanced under financial agreements each employer may be assessed a credit instrument
26 and financing agreement repayment surcharge. The total of such surcharge shall be calculated
27 as an amount up to one hundred fifty percent of the amount required in the twelve-month period
28 following the due date for the payment of such surcharge for the payment of the principal,
29 interest, and administrative expenses related to such credit instruments, or in the case of financial
30 agreements for the payment of principal, interest, and administrative expenses related to such
31 financial agreements, or in the case of a combination of credit instruments and financial
32 agreements for the payment of principal, interest, and administrative expenses for both. The total
33 annual surcharge to be collected shall be calculated by the division as a percentage of the total
34 statewide contributions collected during the previous calendar year. Each employer's
35 proportionate share shall be the product obtained by multiplying the percentage calculated under
36 this subsection by each employer's contributions due under this chapter for each filing period
37 during the preceding calendar year. Each employer shall be notified by the division of the
38 amount due under this section by April thirtieth of each year and such amount shall be
39 considered delinquent thirty days thereafter. **Any moneys overcollected in excess of the actual**
40 **administrative, interest, and principal repayments costs for the credit instruments or**
41 **financial agreements used shall be deposited into the state unemployment insurance trust**
42 **fund and credited to the employer's experience account.**

301.562. 1. The department may refuse to issue or renew any license required pursuant
2 to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2
3 of this section. The department shall notify the applicant or licensee in writing at his or her last

4 known address of the reasons for the refusal to issue or renew the license and shall advise the
5 applicant or licensee of his or her right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The department may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621 against any holder of any license issued under sections
9 301.550 to 301.573 for any one or any combination of the following causes:

10 (1) The applicant or license holder was previously the holder of a license issued under
11 sections 301.550 to 301.573, which license was revoked for cause and never reissued by the
12 department, or which license was suspended for cause and the terms of suspension have not been
13 fulfilled;

14 (2) The applicant or license holder was previously a partner, stockholder, director or
15 officer controlling or managing a partnership or corporation whose license issued under sections
16 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and
17 the terms of suspension have not been fulfilled;

18 (3) The applicant or license holder has, within ten years prior to the date of the
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense
21 reasonably related to the qualifications, functions, or duties of any business licensed under
22 sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty,
23 or an act of violence; or for any offense involving moral turpitude, whether or not sentence is
24 imposed;

25 (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
26 pursuant to sections 301.550 to 301.573;

27 (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or
28 other compensation by fraud, deception, or misrepresentation;

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this
30 chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation
31 adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;

32 (7) The applicant or license holder has filed an application for a license which, as of its
33 effective date, was incomplete in any material respect or contained any statement which was, in
34 light of the circumstances under which it was made, false or misleading with respect to any
35 material fact;

36 (8) The applicant or license holder has failed to pay the proper application or license fee
37 or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a
38 bona fide place of business;

39 (9) Uses or permits the use of any special license or license plate assigned to the license
40 holder for any purpose other than those permitted by law;

41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court
42 of competent jurisdiction;

43 (11) Use of any advertisement or solicitation which is false;

44 (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a
45 conviction or finding of guilt or violation of any federal motor vehicle laws which result in a
46 conviction or finding of guilt.

47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall, except for the matters set forth in subsection
50 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding
51 by the administrative hearing commission that the grounds, provided in subsection 2 of this
52 section, for disciplinary action are met, the department may, singly or in combination, refuse to
53 issue the person a license, issue a license for a period of less than two years, issue a private
54 reprimand, place the person on probation on such terms and conditions as the department deems
55 appropriate for a period of one day to five years, suspend the person's license from one day to
56 six days, or revoke the person's license for such period as the department deems appropriate. The
57 applicant or licensee shall have the right to appeal the decision of the administrative hearing
58 commission and department in the manner provided in chapter 536.

59 4. Upon the suspension or revocation of any person's license issued under sections
60 301.550 to 301.573, the department shall recall any distinctive number plates that were issued
61 to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to
62 surrender his or her license or distinctive number license plates issued under sections 301.550
63 to 301.580, the director shall direct any agent or employee of the department or any law
64 enforcement officer, to secure possession thereof and return such items to the director. For
65 purposes of this subsection, a "law enforcement officer" means any member of the highway
66 patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his
67 or her official capacity. Failure of the licensee to surrender his or her license or distinctive
68 number license plates upon demand by the director, any agent or employee of the department,
69 or any law enforcement officer shall be a class A misdemeanor.

70 5. Notwithstanding the foregoing provisions of this section, the following events or acts
71 by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a
72 clear and present danger to the public welfare and shall be considered cause for suspension or
73 revocation of such license under the procedure set forth in subsection 6 of this section, at the
74 discretion of the director:

75 (1) The expiration or revocation of any corporate surety bond or irrevocable letter of
76 credit, as required by section 301.560, without submission of a replacement bond or letter of
77 credit which provides coverage for the entire period of licensure;

78 (2) The failure to maintain a bona fide established place of business as required by
79 section 301.560;

80 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section;
81 or

82 (4) Three or more occurrences of violations which have been established following
83 proceedings before the administrative hearing commission under subsection 3 of this section, or
84 which have been established following proceedings before the director under subsection 6 of this
85 section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or
86 regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not
87 previously set forth herein.

88 6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or
89 revoked, following an evidentiary hearing before the director or his or her designated hearing
90 officer, if affidavits or sworn testimony by an authorized agent of the department alleges the
91 occurrence of any of the events or acts described in subsection 5 of this section.

92 (2) For any license which the department believes may be subject to suspension or
93 revocation under this subsection, the director shall immediately issue a notice of hearing to the
94 licensee of record. The director's notice of hearing:

95 (a) Shall be served upon the licensee personally or by first class mail to the dealer's last
96 known address, as registered with the director;

97 (b) Shall be based on affidavits or sworn testimony presented to the director, and shall
98 notify the licensee that such information presented therein constitutes cause to suspend or revoke
99 the licensee's license;

100 (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

101 (d) Shall specify the events or acts which may provide cause for suspension or revocation
102 of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other
103 information presented to the director which support discipline of the license; and

104 (e) Shall inform the licensee that he or she has the right to attend the hearing and present
105 any evidence in his or her defense, including evidence to show that the event or act which may
106 result in suspension or revocation has been corrected to the director's satisfaction, and that he or
107 she may be represented by counsel at the hearing.

108 (3) At any hearing before the director conducted under this subsection, the director or
109 his or her designated hearing officer shall consider all evidence relevant to the issue of whether
110 the license should be suspended or revoked due to the occurrence of any of the acts set forth in

111 subsection 5 herein. Within twenty business days after such hearing, the director or his or her
112 designated hearing officer shall issue a written order, with findings of fact and conclusions of
113 law, which either grants or denies the issuance of an order of suspension or revocation. The
114 suspension or revocation shall be effective ten days after the date of the order. The written order
115 of the director or his or her hearing officer shall be the final decision of the director and shall be
116 subject to judicial review under the provisions of chapter 536.

117 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary,
118 the proceedings under this [section] **subsection** shall be closed and no order shall be made public
119 until it is final, for purposes of appeal.

324.001. 1. For the purposes of this section, the following terms mean:

2 (1) "Department", the department of insurance, financial institutions and professional
3 registration;

4 (2) "Director", the director of the division of professional registration; and

5 (3) "Division", the division of professional registration.

6 2. There is hereby established a "Division of Professional Registration" assigned to the
7 department of insurance, financial institutions and professional registration as a type III transfer,
8 headed by a director appointed by the governor with the advice and consent of the senate. All
9 of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State
10 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its
11 divisions, agencies, and personnel.

12 3. The director of the division of professional registration shall promulgate rules and
13 regulations which designate for each board or commission assigned to the division the renewal
14 date for licenses or certificates. After the initial establishment of renewal dates, no director of
15 the division shall promulgate a rule or regulation which would change the renewal date for
16 licenses or certificates if such change in renewal date would occur prior to the date on which the
17 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
18 commission shall by rule or regulation establish licensing periods of one, two, or three years.
19 Registration fees set by a board or commission shall be effective for the entire licensing period
20 involved, and shall not be increased during any current licensing period. Persons who are
21 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
22 for the remainder of the period remaining at the time the fees are paid. Each board or
23 commission shall provide the necessary forms for initial registration, and thereafter the director
24 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
25 shall by rule and regulation require each applicant to provide the information which is required
26 to keep the board's records current. Each board or commission shall have the authority to collect
27 and analyze information required to support workforce planning and policy development. Such

28 information shall not be publicly disclosed so as to identify a specific health care provider, as
29 defined in section 376.1350. Each board or commission shall issue the original license or
30 certificate.

31 4. The division shall provide clerical and other staff services relating to the issuance and
32 renewal of licenses for all the professional licensing and regulating boards and commissions
33 assigned to the division. The division shall perform the financial management and clerical
34 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
35 renewal of licenses and certificates" means the ministerial function of preparing and delivering
36 licenses or certificates, and obtaining material and information for the board or commission in
37 connection with the renewal thereof. It does not include any discretionary authority with regard
38 to the original review of an applicant's qualifications for licensure or certification, or the
39 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action
40 contemplated against the licensee or certificate holder. The division may develop and implement
41 microfilming systems and automated or manual management information systems.

42 5. The director of the division shall maintain a system of accounting and budgeting, in
43 cooperation with the director of the department, the office of administration, and the state
44 auditor's office, to ensure proper charges are made to the various boards for services rendered
45 to them. The general assembly shall appropriate to the division and other state agencies from
46 each board's funds moneys sufficient to reimburse the division and other state agencies for all
47 services rendered and all facilities and supplies furnished to that board.

48 6. For accounting purposes, the appropriation to the division and to the office of
49 administration for the payment of rent for quarters provided for the division shall be made from
50 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
51 the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited
52 into it from each board's fund. Each board shall contribute a prorated amount necessary to fund
53 the division for services rendered and rent based upon the system of accounting and budgeting
54 established by the director of the division as provided in subsection 5 of this section. Transfers
55 of funds to the professional registration fees fund shall be made by each board on July first of
56 each year; provided, however, that the director of the division may establish an alternative date
57 or dates of transfers at the request of any board. Such transfers shall be made until they equal
58 the prorated amount for services rendered and rent by the division. The provisions of section
59 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed
60 to the credit of general revenue.

61 7. The director of the division shall be responsible for collecting and accounting for all
62 moneys received by the division or its component agencies. Any money received by a board or
63 commission shall be promptly given, identified by type and source, to the director. The director

64 shall keep a record by board and state accounting system classification of the amount of revenue
65 the director receives. The director shall promptly transmit all receipts to the department of
66 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall
67 provide each board with all relevant financial information in a timely fashion. Each board shall
68 cooperate with the director by providing necessary information.

69 8. All educational transcripts, test scores, complaints, investigatory reports, and
70 information pertaining to any person who is an applicant or licensee of any agency assigned to
71 the division of professional registration by statute or by the department are confidential and may
72 not be disclosed to the public or any member of the public, except with the written consent of
73 the person whose records are involved. The agency which possesses the records or information
74 shall disclose the records or information if the person whose records or information is involved
75 has consented to the disclosure. Each agency is entitled to the attorney-client privilege and
76 work-product privilege to the same extent as any other person. Provided, however, that any
77 board may disclose confidential information without the consent of the person involved in the
78 course of voluntary interstate exchange of information, or in the course of any litigation
79 concerning that person, or pursuant to a lawful request, or to other administrative or law
80 enforcement agencies acting within the scope of their statutory authority. Information regarding
81 identity, including names and addresses, registration, and currency of the license of the persons
82 possessing licenses to engage in a professional occupation and the names and addresses of
83 applicants for such licenses is not confidential information.

84 9. Any deliberations conducted and votes taken in rendering a final decision after a
85 hearing before an agency assigned to the division shall be closed to the parties and the public.
86 Once a final decision is rendered, that decision shall be made available to the parties and the
87 public.

88 10. A compelling governmental interest shall be deemed to exist for the purposes of
89 section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance
90 of any agency assigned to the division of professional registration is reasonably expected to
91 exceed an amount that would require transfer from that fund to general revenue.

92 11. (1) The following boards and commissions are assigned by specific type transfers
93 to the division of professional registration: Missouri state board of accountancy, chapter 326;
94 board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,
95 professional engineers, professional land surveyors and landscape architects, chapter 327;
96 Missouri state board of chiropractic examiners, chapter 331; state board of registration for the
97 healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and
98 funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of
99 nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter

100 330; Missouri real estate [appraisers] commission, chapter 339; and Missouri veterinary medical
101 board, chapter 340. The governor shall appoint members of these boards by and with the advice
102 and consent of the senate.

103 (2) The boards and commissions assigned to the division shall exercise all their
104 respective statutory duties and powers, except those clerical and other staff services involving
105 collecting and accounting for moneys and financial management relating to the issuance and
106 renewal of licenses, which services shall be provided by the division, within the appropriation
107 therefor. Nothing herein shall prohibit employment of professional examining or testing services
108 from professional associations or others as required by the boards or commissions on contract.
109 Nothing herein shall be construed to affect the power of a board or commission to expend its
110 funds as appropriated. However, the division shall review the expense vouchers of each board.
111 The results of such review shall be submitted to the board reviewed and to the house and senate
112 appropriations committees annually.

113 (3) Notwithstanding any other provisions of law, the director of the division shall
114 exercise only those management functions of the boards and commissions specifically provided
115 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,
116 personnel other than board personnel, and equipment.

117 (4) "Board personnel", as used in this section or chapters [317,] 326, 327, [328,] 329,
118 330, [331,] 332, 333, 334, 335, 336, [337,] 338, 339, [340,] and 345, shall mean personnel whose
119 functions and responsibilities are in areas not related to the clerical duties involving the issuance
120 and renewal of licenses, to the collecting and accounting for moneys, or to financial management
121 relating to issuance and renewal of licenses; specifically included are executive secretaries (or
122 comparable positions), consultants, inspectors, investigators, counsel, and secretarial support
123 staff for these positions; and such other positions as are established and authorized by statute for
124 a particular board or commission. Boards and commissions may employ legal counsel, if
125 authorized by law, and temporary personnel if the board is unable to meet its responsibilities with
126 the employees authorized above. Any board or commission which hires temporary employees
127 shall annually provide the division director and the appropriation committees of the general
128 assembly with a complete list of all persons employed in the previous year, the length of their
129 employment, the amount of their remuneration, and a description of their responsibilities.

130 (5) Board personnel for each board or commission shall be employed by and serve at the
131 pleasure of the board or commission, shall be supervised as the board or commission designates,
132 and shall have their duties and compensation prescribed by the board or commission, within
133 appropriations for that purpose, except that compensation for board personnel shall not exceed
134 that established for comparable positions as determined by the board or commission pursuant
135 to the job and pay plan of the department of insurance, financial institutions and professional

136 registration. Nothing herein shall be construed to permit salaries for any board personnel to be
137 lowered except by board action.

138 12. All the powers, duties, and functions of the division of athletics, chapter 317, and
139 others, are assigned by type I transfer to the division of professional registration.

140 13. Wherever the laws, rules, or regulations of this state make reference to the "division
141 of professional registration of the department of economic development", such references shall
142 be deemed to refer to the division of professional registration.

324.028. Any member authorized under the provisions of sections 256.459, 324.063,
2 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, [328.030, 329.190,] **329.015**,
3 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, [334.736,] **334.749**,
4 334.830, 335.021, 336.130, 337.050, **337.535, 337.622, 337.739**, 338.110, 339.120, [340.210,]
5 **340.202**, 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of
6 the board or council on which he serves shall forfeit his membership on that board or council.
7 A new member shall be appointed to the respective board or council by the governor with the
8 advice and consent of the senate.

324.159. The board shall:

- 2 (1) Adopt and publish a code of ethics;
- 3 (2) Establish the qualifications and fitness of applicants of licenses, renewal of licenses
4 and reciprocal licenses;
- 5 (3) Revoke, suspend or deny a license, suspend a license or reprimand a license holder
6 for a violation of sections 324.125 to 324.183, the code of ethics or the rules adopted by the
7 board;
- 8 (4) Provide for the expenditure of funds necessary for the proper administration of its
9 assigned duties;
- 10 (5) Establish reasonable and necessary fees for the administration and implementation
11 of sections 324.125 to 324.183. Fees shall be established at a rate that does not significantly
12 exceed the cost of administering the provisions of sections 324.125 to 324.183;
- 13 (6) Establish continuing professional education requirements for licensed clinical
14 perfusionists and provisional licensed clinical perfusionists, the standards of which shall be at
15 least as stringent as those of the American Board of Cardiovascular Perfusion or its successor
16 agency;
- 17 (7) Within the limits of its appropriation, employ and remove board personnel, as
18 defined in subdivision (4) of subsection [10] **11** of section 324.001 as may be necessary for the
19 efficient operation of the board;
- 20 (8) Adopt the training and clinical competency requirements established by the
21 department of health and senior services through hospital licensing regulations promulgated

22 pursuant to chapter 197. The provisions of sections 324.125 to 324.183 to the contrary
23 notwithstanding, the board shall not regulate a perfusionist's training, education or fitness to
24 practice except as specifically provided by the hospital licensing regulations of the department
25 of health and senior services. In promulgating such regulations, the department of health and
26 senior services shall adopt the standards of the American Board of Cardiovascular Perfusion, or
27 its successor organization, or comparable standards for training and experience. The department
28 shall by rule and regulation provide that individuals providing perfusion services who do meet
29 such standards may continue their employment in accordance with section 324.130. The
30 department shall also establish standards for provisional licensed clinical perfusionists pursuant
31 to section 324.147.

324.406. 1. There is hereby created within the division of professional registration a
2 council to be known as the "Interior Design Council". The council shall consist of four interior
3 designers and one public member appointed by the governor with the advice and consent of the
4 senate. The governor shall give due consideration to the recommendations by state organizations
5 of the interior design profession for the appointment of the interior design members to the
6 council. Council members shall be appointed to serve a term of four years; except that of the
7 members first appointed, one interior design member and the public member shall be appointed
8 for terms of four years, one member shall be appointed for a term of three years, one member
9 shall be appointed for a term of two years and one member shall be appointed for a term of one
10 year. No member of the council shall serve more than two terms.

11 2. Each council member, other than the public member, shall be a citizen of the United
12 States, a resident of the state of Missouri for at least one year, meet the qualifications for
13 professional registration, practice interior design as the person's principal livelihood and, except
14 for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an
15 interior designer.

16 3. The public member shall be, at the time of such person's appointment, a citizen of the
17 United States, a registered voter, a person who is not and never was a member of the profession
18 regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does
19 not have and never has had a material financial interest in the providing of the professional
20 services regulated by sections 324.400 to 324.439. The duties of the public member shall not
21 include the determination of the technical requirements for the registration of persons as interior
22 designers.

23 4. The provisions of section 324.028 pertaining to public members of certain state boards
24 and commissions shall apply to [the public member] **all members** of the council.

25 [4.] 5. Members of the council may be removed from office for cause. Upon the death,
26 resignation or removal from office of any member of the council, the appointment to fill the

27 vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same
28 manner as the first appointment and due notice be given to the state organizations of the interior
29 design profession prior to the appointment.

30 [5.] 6. Each member of the council may receive as compensation an amount set by the
31 division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable
32 and necessary expenses incurred in the official performance of the member's duties as a member
33 of the council. The director shall establish by rule guidelines for payment.

34 [6.] 7. The council shall meet at least twice each year and advise the division on matters
35 within the scope of sections 324.400 to 324.439. The organization of the council shall be
36 established by the members of the council.

37 [7.] 8. The council may sue and be sued as the interior design council and the council
38 members need not be named as parties. Members of the council shall not be personally liable
39 either jointly or severally for any act committed in the performance of their official duties as
40 council members. No council member shall be personally liable for any costs which accrue in
41 any action by or against the council.

326.265. 1. The board shall elect annually one of its members as president, one as vice
2 president, one as secretary and one as treasurer, and shall make an annual report to the governor
3 and the general assembly. The board shall file and preserve all written applications, petitions,
4 complaints, charges or requests made or presented to the board and all affidavits and other
5 verified documents, and shall keep accurate records and minutes of its proceedings. A copy of
6 any entry in the register, or of any records or minutes of the board, certified by the president or
7 secretary of the board under its seal shall constitute and have the full force and effect of the
8 original.

9 2. The board may employ legal counsel and board personnel as defined in subdivision
10 (4) of subsection [10] 11 of section 324.001 and incur such travel and other expense as in its
11 judgment shall be necessary for the effective administration of this chapter.

12 3. The board may also appoint a continuing education committee of not less than five
13 members consisting of certified public accountants of this state. Such committee shall:

14 (1) Evaluate continuing education programs to determine if they meet continuing
15 education regulations adopted by the board;

16 (2) Consider applications for exceptions to continuing education regulations adopted
17 pursuant to the provisions of section 326.271; and

18 (3) Consider other matters regarding continuing education as may be assigned by the
19 board.

327.051. 1. The board shall meet at least twice a year at such times and places as are
2 fixed by the board.

3 2. The board may appoint and employ legal counsel and such board personnel, as defined
4 in subdivision (4) of subsection [10] 11 of section 324.001, as it deems necessary within the
5 appropriation therefor.

6 3. The board shall keep records of its official acts and decisions and certified copies of
7 any such records attested by the executive director with the board's seal affixed shall be received
8 as evidence in all courts to the same extent as the board's original records would be received.

9 4. Each member of the board shall receive as compensation an amount set by the board
10 not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled
11 to reimbursement of such member's expenses necessarily incurred in the discharge of such
12 member's official duties.

329.025. 1. The board shall have power to:

2 (1) Prescribe by rule for the examination of applicants for licensure to practice the
3 classified occupations of barbering and cosmetology and issue licenses;

4 (2) Prescribe by rule for the inspection of barber and cosmetology establishments and
5 schools and appoint the necessary inspectors and examining assistants;

6 (3) Prescribe by rule for the inspection of establishments and schools of barbering and
7 cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if
8 necessary, examining assistants;

9 (4) Set the amount of the fees that this chapter and chapter 328, authorize and require,
10 by rules promulgated under section 536.021. The fees shall be set at a level sufficient to produce
11 revenue that shall not substantially exceed the cost and expense of administering this chapter and
12 chapter 328;

13 (5) Employ and remove board personnel, as set forth in subdivision (4) of subsection
14 [10] 11 of section 324.001, including an executive secretary or comparable position, inspectors,
15 investigators, legal counsel and secretarial support staff, as may be necessary for the efficient
16 operation of the board, within the limitations of its appropriation;

17 (6) Elect one of its members president, one vice president, and one secretary with the
18 limitation that no single profession can hold the positions of president and vice president at the
19 same time;

20 (7) Promulgate rules necessary to carry out the duties and responsibilities designated by
21 this chapter and chapter 328;

22 (8) Determine the sufficiency of the qualifications of applicants; and

23 (9) Prescribe by rule the minimum standards and methods of accountability for the
24 schools of barbering and cosmetology licensed under this chapter and chapter 328.

25 2. The board shall create no expense exceeding the sum received from time to time from
26 fees imposed under this chapter and chapter 328.

27 3. A majority of the board, with at least one representative of each profession being
28 present, shall constitute a quorum for the transaction of business.

29 4. The board shall meet not less than six times annually.

30 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
31 under the authority delegated in this chapter and chapter 328 shall become effective only if it
32 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
33 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
34 general assembly under chapter 536 to review, to delay the effective date or to disapprove and
35 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
36 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

 330.190. The board shall investigate all complaints of violations of the provisions of this
2 chapter as provided in section 324.002 and shall report any such violations to the proper
3 prosecuting officers or other public officials charged with the enforcement of the provisions of
4 this chapter. The board may employ such board personnel, as defined in subdivision (4) of
5 subsection [10] **11** of section 324.001, as it deems necessary within appropriations therefor.

 332.041. 1. The board shall meet at least twice a year at such times and places in the
2 state of Missouri as may be fixed by the board. The board shall elect from its membership a
3 president, a vice president, and a secretary-treasurer, each of whom shall be elected at the times
4 and serve for the terms as are determined by the board, and each of whose duties shall be
5 prescribed by the board.

6 2. The board shall keep records of its official acts, and certified copies of any such
7 records attested by a designee of the board with the board's seal affixed shall be received as
8 evidence in all courts to the same extent as the board's original records would be received.

9 3. Each member of the board shall receive as compensation an amount set by the board
10 not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled
11 to reimbursement of his expenses necessarily incurred in the discharge of his official duties. The
12 board may employ and pay legal counsel and such board personnel, as defined in subdivision (4)
13 of subsection [10] **11** of section 324.001, as it deems necessary within appropriations therefor.

 334.100. 1. The board may refuse to issue or renew any certificate of registration or
2 authority, permit or license required pursuant to this chapter for one or any combination of
3 causes stated in subsection 2 of this section. The board shall notify the applicant in writing of
4 the reasons for the refusal and shall advise the applicant of the applicant's right to file a
5 complaint with the administrative hearing commission as provided by chapter 621. As an
6 alternative to a refusal to issue or renew any certificate, registration or authority, the board may,
7 at its discretion, issue a license which is subject to probation, restriction or limitation to an
8 applicant for licensure for any one or any combination of causes stated in subsection 2 of this

9 section. The board's order of probation, limitation or restriction shall contain a statement of the
10 discipline imposed, the basis therefor, the date such action shall become effective, and a
11 statement that the applicant has thirty days to request in writing a hearing before the
12 administrative hearing commission. If the board issues a probationary, limited or restricted
13 license to an applicant for licensure, either party may file a written petition with the
14 administrative hearing commission within thirty days of the effective date of the probationary,
15 limited or restricted license seeking review of the board's determination. If no written request for
16 a hearing is received by the administrative hearing commission within the thirty-day period, the
17 right to seek review of the board's decision shall be considered as waived.

18 2. The board may cause a complaint to be filed with the administrative hearing
19 commission as provided by chapter 621 against any holder of any certificate of registration or
20 authority, permit or license required by this chapter or any person who has failed to renew or has
21 surrendered the person's certificate of registration or authority, permit or license for any one or
22 any combination of the following causes:

23 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
24 an extent that such use impairs a person's ability to perform the work of any profession licensed
25 or regulated by this chapter;

26 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
27 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,
28 for any offense reasonably related to the qualifications, functions or duties of any profession
29 licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an
30 act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

31 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
32 registration or authority, permit or license issued pursuant to this chapter or in obtaining
33 permission to take any examination given or required pursuant to this chapter;

34 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or
35 unprofessional conduct in the performance of the functions or duties of any profession licensed
36 or regulated by this chapter, including, but not limited to, the following:

37 (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
38 fraud, deception or misrepresentation; willfully and continually overcharging or overtreating
39 patients; or charging for visits to the physician's office which did not occur unless the services
40 were contracted for in advance, or for services which were not rendered or documented in the
41 patient's records;

42 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to
43 obtain or retain a patient or discourage the use of a second opinion or consultation;

- 44 (c) Willfully and continually performing inappropriate or unnecessary treatment,
45 diagnostic tests or medical or surgical services;
- 46 (d) Delegating professional responsibilities to a person who is not qualified by training,
47 skill, competency, age, experience or licensure to perform such responsibilities;
- 48 (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method,
49 procedure, treatment, medicine or device;
- 50 (f) Performing or prescribing medical services which have been declared by board rule
51 to be of no medical or osteopathic value;
- 52 (g) Final disciplinary action by any professional medical or osteopathic association or
53 society or licensed hospital or medical staff of such hospital in this or any other state or territory,
54 whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension,
55 limitation, or restriction of the person's license or staff or hospital privileges, failure to renew
56 such privileges or license for cause, or other final disciplinary action, if the action was in any way
57 related to unprofessional conduct, professional incompetence, malpractice or any other violation
58 of any provision of this chapter;
- 59 (h) Signing a blank prescription form; or dispensing, prescribing, administering or
60 otherwise distributing any drug, controlled substance or other treatment without sufficient
61 examination including failing to establish a valid physician-patient relationship pursuant to
62 section 334.108, or for other than medically accepted therapeutic or experimental or investigative
63 purposes duly authorized by a state or federal agency, or not in the course of professional
64 practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical
65 infirmity or disease, except as authorized in section 334.104;
- 66 (i) Exercising influence within a physician-patient relationship for purposes of engaging
67 a patient in sexual activity;
- 68 (j) Being listed on any state or federal sexual offender registry;
- 69 (k) Terminating the medical care of a patient without adequate notice or without making
70 other arrangements for the continued care of the patient;
- 71 (l) Failing to furnish details of a patient's medical records to other treating physicians or
72 hospitals upon proper request; or failing to comply with any other law relating to medical
73 records;
- 74 (m) Failure of any applicant or licensee to cooperate with the board during any
75 investigation;
- 76 (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an
77 order of the board;
- 78 (o) Failure to timely pay license renewal fees specified in this chapter;

79 (p) Violating a probation agreement, order, or other settlement agreement with this board
80 or any other licensing agency;

81 (q) Failing to inform the board of the physician's current residence and business address;

82 (r) Advertising by an applicant or licensee which is false or misleading, or which violates
83 any rule of the board, or which claims without substantiation the positive cure of any disease, or
84 professional superiority to or greater skill than that possessed by any other physician. An
85 applicant or licensee shall also be in violation of this provision if the applicant or licensee has
86 a financial interest in any organization, corporation or association which issues or conducts such
87 advertising;

88 (s) Any other conduct that is unethical or unprofessional involving a minor;

89 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or
90 physical health of a patient or the public; or incompetency, gross negligence or repeated
91 negligence in the performance of the functions or duties of any profession licensed or regulated
92 by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure,
93 on more than one occasion, to use that degree of skill and learning ordinarily used under the
94 same or similar circumstances by the member of the applicant's or licensee's profession;

95 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
96 any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or
97 regulation adopted pursuant to this chapter or chapter 324;

98 (7) Impersonation of any person holding a certificate of registration or authority, permit
99 or license or allowing any person to use his or her certificate of registration or authority, permit,
100 license or diploma from any school;

101 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
102 censure, probation or other final disciplinary action against the holder of or applicant for a
103 license or other right to practice any profession regulated by this chapter by another state,
104 territory, federal agency or country, whether or not voluntarily agreed to by the licensee or
105 applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing
106 the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject
107 to an investigation or while actually under investigation by any licensing authority, medical
108 facility, branch of the Armed Forces of the United States of America, insurance company, court,
109 agency of the state or federal government, or employer;

110 (9) A person is finally adjudged incapacitated or disabled by a court of competent
111 jurisdiction;

112 (10) Assisting or enabling any person to practice or offer to practice any profession
113 licensed or regulated by this chapter who is not registered and currently eligible to practice
114 pursuant to this chapter; or knowingly performing any act which in any way aids, assists,

115 procures, advises, or encourages any person to practice medicine who is not registered and
116 currently eligible to practice pursuant to this chapter. A physician who works in accordance with
117 standing orders or protocols or in accordance with the provisions of section 334.104 shall not be
118 in violation of this subdivision;

119 (11) Issuance of a certificate of registration or authority, permit or license based upon
120 a material mistake of fact;

121 (12) Failure to display a valid certificate or license if so required by this chapter or any
122 rule promulgated pursuant to this chapter;

123 (13) Violation of the drug laws or rules and regulations of this state, including but not
124 limited to any provision of chapter 195, any other state, or the federal government;

125 (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of,
126 a false statement in any birth, death or other certificate or document executed in connection with
127 the practice of the person's profession;

128 (15) Knowingly making a false statement, orally or in writing to the board;

129 (16) Soliciting patronage in person or by agents or representatives, or by any other means
130 or manner, under the person's own name or under the name of another person or concern, actual
131 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or
132 necessity for or appropriateness of health care services for all patients, or the qualifications of
133 an individual person or persons to diagnose, render, or perform health care services;

134 (17) Using, or permitting the use of, the person's name under the designation of
135 "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial
136 exploitation of any goods, wares or merchandise;

137 (18) Knowingly making or causing to be made a false statement or misrepresentation of
138 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or
139 chapter 630 or for payment from Title XVIII or Title XIX of the [federal Medicare program]

140 **Social Security Act;**

141 (19) Failure or refusal to properly guard against contagious, infectious or communicable
142 diseases or the spread thereof; maintaining an unsanitary office or performing professional
143 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
144 in the office of a physician or in any health care facility to the board, in writing, within thirty
145 days after the discovery thereof;

146 (20) Any candidate for licensure or person licensed to practice as a physical therapist,
147 paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary,
148 practicing or offering to practice professional physical therapy independent of the prescription
149 and direction of a person licensed and registered as a physician and surgeon pursuant to this
150 chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an

151 advanced practice registered nurse under chapter 335, or any licensed and registered physician,
152 dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose
153 license is in good standing;

154 (21) Any candidate for licensure or person licensed to practice as a physical therapist,
155 treating or attempting to treat ailments or other health conditions of human beings other than by
156 professional physical therapy and as authorized by sections 334.500 to 334.620;

157 (22) Any person licensed to practice as a physician or surgeon, requiring, as a condition
158 of the physician-patient relationship, that the patient receive prescribed drugs, devices or other
159 professional services directly from facilities of that physician's office or other entities under that
160 physician's ownership or control. A physician shall provide the patient with a prescription which
161 may be taken to the facility selected by the patient and a physician knowingly failing to disclose
162 to a patient on a form approved by the advisory commission for professional physical therapists
163 as established by section 334.625 which is dated and signed by a patient or guardian
164 acknowledging that the patient or guardian has read and understands that the physician has a
165 pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment
166 and that the prescribed treatment is available on a competitive basis. This subdivision shall not
167 apply to a referral by one physician to another physician within a group of physicians practicing
168 together;

169 (23) A pattern of personal use or consumption of any controlled substance unless it is
170 prescribed, dispensed or administered by another physician who is authorized by law to do so;

171 (24) Habitual intoxication or dependence on alcohol, evidence of which may include
172 more than one alcohol-related enforcement contact as defined by section 302.525;

173 (25) Failure to comply with a treatment program or an aftercare program entered into as
174 part of a board order, settlement agreement or licensee's professional health program;

175 (26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever
176 of any controlled substance authority, whether agreed to voluntarily or not, or voluntary
177 termination of a controlled substance authority while under investigation;

178 (27) For a physician to operate, conduct, manage, or establish an abortion facility, or for
179 a physician to perform an abortion in an abortion facility, if such facility comes under the
180 definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such
181 facility has failed to obtain or renew a license as an ambulatory surgical center.

182 3. Collaborative practice arrangements, protocols and standing orders shall be in writing
183 and signed and dated by a physician prior to their implementation.

184 4. After the filing of such complaint before the administrative hearing commission, the
185 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding
186 by the administrative hearing commission that the grounds, provided in subsection 2 of this

section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

334.506. 1. As used in this section, "approved health care provider" means a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing.

2. A physical therapist shall not initiate treatment for a new injury or illness without a prescription from an approved health care provider.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs for asymptomatic persons, or provide screening or consultative services within the scope of physical therapy practice without the prescription and direction of an approved health care provider.

13 4. A physical therapist may examine and treat without the prescription and direction of
14 an approved health care provider any person with a recurring self-limited injury within one year
15 of diagnosis by an approved health care provider or a chronic illness that has been previously
16 diagnosed by an approved health care provider. The physical therapist shall:

17 (1) Contact the patient's current approved health care provider within seven days of
18 initiating physical therapy services under this subsection;

19 (2) Not change an existing physical therapy referral available to the physical therapist
20 without approval of the patient's current approved health care provider;

21 (3) Refer to an approved health care provider any patient whose medical condition at the
22 time of examination or treatment is determined to be beyond the scope of practice of physical
23 therapy;

24 (4) Refer to an approved health care provider any patient whose condition for which
25 physical therapy services are rendered under this subsection has not been documented to be
26 progressing toward documented treatment goals after six visits or fourteen days, whichever first
27 occurs;

28 (5) Notify the patient's current approved health care provider prior to the continuation
29 of treatment if treatment rendered under this subsection is to continue beyond thirty days. The
30 physical therapist shall provide such notification for each successive period of thirty days.

31 5. The provision of physical therapy services of evaluation and screening pursuant to this
32 section shall be limited to a physical therapist, and any authority for evaluation and screening
33 granted within this section may not be delegated. Upon each reinitiation of physical therapy
34 services, a physical therapist shall provide a full physical therapy evaluation prior to the
35 reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the
36 provisions of subsection 4 of this section may be delegated by physical therapists to physical
37 therapist assistants only if the patient's current approved health care provider has been so
38 informed as part of the physical therapist's seven-day notification upon reinitiation of physical
39 therapy services as required in subsection 4 of this section. Nothing in this subsection shall be
40 construed as to limit the ability of physical therapists or physical therapist assistants to provide
41 physical therapy services in accordance with the provisions of this chapter, and upon the referral
42 of an approved health care provider. Nothing in this subsection shall prohibit an approved health
43 care provider from acting within the scope of their practice as defined by the applicable chapters
44 of RSMo.

45 6. No person licensed to practice, or applicant for licensure, as a physical therapist or
46 physical therapist assistant shall make a medical diagnosis.

47 7. A physical therapist shall only delegate physical therapy treatment to a physical
48 therapist assistant or to a person in an entry level of a professional education program approved

49 by the Commission [for] **on** Accreditation of Physical [Therapists and Physical Therapist
50 Assistant] **Therapy** Education (CAPTE) who satisfies supervised clinical education
51 requirements related to the person's physical therapist or physical therapist assistant education.
52 The entry-level person shall be under on-site supervision of a physical therapist.

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before
2 the registration renewal date, apply to the board for a certificate of registration for the ensuing
3 licensing period. The application shall be made under oath on a form furnished to the applicant
4 by the board. The application shall include, but not be limited to, disclosure of the following:

- 5 (1) The applicant's full name;
- 6 (2) The applicant's office address or addresses and telephone number or numbers;
- 7 (3) The applicant's home address and telephone number;
- 8 (4) The date and number of the applicant's license;
- 9 (5) All final disciplinary actions taken against the applicant by any professional
10 association or society, licensed hospital or medical staff of a hospital, physical therapy facility,
11 state, territory, federal agency or [county] **country**; and
- 12 (6) Information concerning the applicant's current physical and mental fitness to practice
13 his or her profession.

14
15 The applicant may be required to successfully complete a test administered by the board on the
16 laws and rules related to the practice of physical therapy. The test process, dates, and passing
17 scores shall be established by the board by rule.

18 2. A notice for application for registration shall be made available to each person
19 licensed in this state. The failure to receive the notice does not, however, relieve any person of
20 the duty to register and pay the fee required by sections 334.500 to 334.620 nor exempt such
21 person from the penalties provided by sections 334.500 to 334.620 for failure to register.

22 3. If a physical therapist does not renew such license for two consecutive renewal
23 periods, such license shall be deemed void.

24 4. Each applicant for registration shall accompany the application for registration with
25 a registration fee to be paid to the director of revenue for the licensing period for which
26 registration is sought.

27 5. If the application is filed and the fee paid after the registration renewal date, a
28 delinquent fee shall be paid; except that, whenever in the opinion of the board the applicant's
29 failure to register is caused by extenuating circumstances including illness of the applicant, as
30 defined by rule, the delinquent fee may be waived by the board.

31 6. Upon application and submission by such person of evidence satisfactory to the board
32 that such person is licensed to practice in this state and upon the payment of fees required to be

33 paid by this chapter, the board shall issue to such person a certificate of registration. The
34 certificate of registration shall contain the name of the person to whom it is issued and his or her
35 office address, the expiration date, and the number of the license to practice.

36 7. Upon receiving such certificate, every person shall cause the certificate to be readily
37 available or conspicuously displayed at all times in every practice location maintained by such
38 person in the state. If the licensee maintains more than one practice location in this state, the
39 board shall, without additional fee, issue to such licensee duplicate certificates of registration for
40 each practice location so maintained. If any licensee changes practice locations during the period
41 for which any certificate of registration has been issued, the licensee shall, within fifteen days
42 thereafter, notify the board of such change and the board shall issue to the licensee, without
43 additional fee, a new registration certificate showing the new location.

44 8. Whenever any new license is granted to any physical therapist or physical therapist
45 assistant under the provisions of this chapter, the board shall, upon application therefor, issue to
46 such physical therapist or physical therapist assistant a certificate of registration covering a
47 period from the date of the issuance of the license to the next renewal date without the payment
48 of any registration fee.

334.610. Any person who holds himself or herself out to be a physical therapist or a
2 licensed physical therapist within this state or any person who advertises as a physical therapist
3 or claims that the person can render physical therapy services and who, in fact, does not hold a
4 valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall
5 be punished as provided by law. Any person who, in any manner, represents himself or herself
6 as a physical therapist, or who uses in connection with such person's name the words or letters
7 "physical therapist", "physiotherapist", "registered physical therapist", "doctor of physical
8 therapy", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", "D.P.T.", "M.P.T.", or any other letters, words,
9 abbreviations or insignia, indicating or implying that the person is a physical therapist without
10 a valid existing license as a physical therapist issued to such person pursuant to the provisions
11 of sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in sections 334.500
12 to 334.620 shall prohibit any person licensed in this state under chapter 331 from carrying out
13 the practice for which the person is duly licensed, or from advertising the use of physiologic and
14 rehabilitative modalities; nor shall it prohibit any person licensed or registered in this state under
15 section 334.735 or any other law from carrying out the practice for which the person is duly
16 licensed or registered; nor shall it prevent professional and semiprofessional teams, schools,
17 YMCA clubs, athletic clubs and similar organizations from furnishing treatment to their players
18 and members. This section, also, shall not be construed so as to prohibit masseurs and
19 masseuses from engaging in their practice not otherwise prohibited by law and provided they do
20 not represent themselves as physical therapists. This section shall not apply to physicians and

21 surgeons licensed under this chapter or to a person in an entry level of a professional education
22 program approved by the [commission for accreditation of physical therapists and physical
23 therapist assistant education] **Commission on Accreditation in Physical Therapy Education**
24 (CAPTE) who is satisfying supervised clinical education requirements related to the person's
25 physical therapist or physical therapist assistant education while under on-site supervision of a
26 physical therapist; or to a physical therapist who is practicing in the United States Armed
27 [Services] **Forces**, United States Public Health Service, or Veterans Administration under federal
28 regulations for state licensure for health care providers.

334.613. 1. The board may refuse to issue or renew a license to practice as a physical
2 therapist or physical therapist assistant for one or any combination of causes stated in subsection
3 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
4 shall advise the applicant of the applicant's right to file a complaint with the administrative
5 hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew
6 a license to practice as a physical therapist or physical therapist assistant, the board may, at its
7 discretion, issue a license which is subject to probation, restriction, or limitation to an applicant
8 for licensure for any one or any combination of causes stated in subsection 2 of this section. The
9 board's order of probation, limitation, or restriction shall contain a statement of the discipline
10 imposed, the basis therefor, the date such action shall become effective, and a statement that the
11 applicant has thirty days to request in writing a hearing before the administrative hearing
12 commission. If the board issues a probationary, limited, or restricted license to an applicant for
13 licensure, either party may file a written petition with the administrative hearing commission
14 within thirty days of the effective date of the probationary, limited, or restricted license seeking
15 review of the board's determination. If no written request for a hearing is received by the
16 administrative hearing commission within the thirty-day period, the right to seek review of the
17 board's decision shall be considered as waived.

18 2. The board may cause a complaint to be filed with the administrative hearing
19 commission as provided by chapter 621 against any holder of a license to practice as a physical
20 therapist or physical therapist assistant who has failed to renew or has surrendered his or her
21 license for any one or any combination of the following causes:

22 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
23 an extent that such use impairs a person's ability to perform the work of a physical therapist or
24 physical therapist assistant;

25 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
26 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,
27 for any offense reasonably related to the qualifications, functions, or duties of a physical therapist
28 or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty,

29 or an act of violence, or for any offense involving moral turpitude, whether or not sentence is
30 imposed;

31 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of
32 registration or authority, permit, or license issued under this chapter or in obtaining permission
33 to take any examination given or required under this chapter;

34 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or
35 unprofessional conduct in the performance of the functions or duties of a physical therapist or
36 physical therapist assistant, including but not limited to the following:

37 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
38 fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating
39 patients; or charging for sessions of physical therapy which did not occur unless the services
40 were contracted for in advance, or for services which were not rendered or documented in the
41 patient's records;

42 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to
43 obtain or retain a patient or discourage the use of a second opinion or consultation;

44 (c) Willfully and continually performing inappropriate or unnecessary treatment or
45 services;

46 (d) Delegating professional responsibilities to a person who is not qualified by training,
47 skill, competency, age, experience, or licensure to perform such responsibilities;

48 (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method,
49 procedure, treatment, medicine, or device;

50 (f) Performing services which have been declared by board rule to be of no physical
51 therapy value;

52 (g) Final disciplinary action by any professional association, professional society,
53 licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other
54 state or territory, whether agreed to voluntarily or not, and including but not limited to any
55 removal, suspension, limitation, or restriction of the person's professional employment,
56 malpractice, or any other violation of any provision of this chapter;

57 (h) Administering treatment without sufficient examination, or for other than medically
58 accepted therapeutic or experimental or investigative purposes duly authorized by a state or
59 federal agency, or not in the course of professional physical therapy practice;

60 (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual,
61 while a physical therapist or physical therapist assistant/patient relationship exists; making sexual
62 advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of
63 a sexual nature with patients or clients;

64 (j) Terminating the care of a patient without adequate notice or without making other
65 arrangements for the continued care of the patient;

66 (k) Failing to furnish details of a patient's physical therapy records to treating physicians,
67 other physical therapists, or hospitals upon proper request; or failing to comply with any other
68 law relating to physical therapy records;

69 (l) Failure of any applicant or licensee, other than the licensee subject to the
70 investigation, to cooperate with the board during any investigation;

71 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or
72 an order of the board;

73 (n) Failure to timely pay license renewal fees specified in this chapter;

74 (o) Violating a probation agreement with this board or any other licensing agency;

75 (p) Failing to inform the board of the physical therapist's or physical therapist assistant's
76 current telephone number, residence, and business address;

77 (q) Advertising by an applicant or licensee which is false or misleading, or which
78 violates any rule of the board, or which claims without substantiation the positive cure of any
79 disease, or professional superiority to or greater skill than that possessed by any other physical
80 therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this
81 provision if the applicant or licensee has a financial interest in any organization, corporation, or
82 association which issues or conducts such advertising;

83 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or
84 physical health of a patient or the public; or incompetency, gross negligence, or repeated
85 negligence in the performance of the functions or duties of a physical therapist or physical
86 therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure,
87 on more than one occasion, to use that degree of skill and learning ordinarily used under the
88 same or similar circumstances by the member of the applicant's or licensee's profession;

89 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
90 any person to violate, any provision of this chapter, or of any lawful rule adopted under this
91 chapter;

92 (7) Impersonation of any person licensed as a physical therapist or physical therapist
93 assistant or allowing any person to use his or her license or diploma from any school;

94 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
95 censure, probation, or other final disciplinary action against a physical therapist or physical
96 therapist assistant for a license or other right to practice as a physical therapist or physical
97 therapist assistant by another state, territory, federal agency or country, whether or not voluntarily
98 agreed to by the licensee or applicant, including but not limited to the denial of licensure,
99 surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the

100 practice of physical therapy while subject to an investigation or while actually under
101 investigation by any licensing authority, medical facility, branch of the Armed Forces of the
102 United States of America, insurance company, court, agency of the state or federal government,
103 or employer;

104 (9) A person is finally adjudged incapacitated or disabled by a court of competent
105 jurisdiction;

106 (10) Assisting or enabling any person to practice or offer to practice who is not licensed
107 and currently eligible to practice under this chapter; or knowingly performing any act which in
108 any way aids, assists, procures, advises, or encourages any person to practice physical therapy
109 who is not licensed and currently eligible to practice under this chapter;

110 (11) Issuance of a license to practice as a physical therapist or physical therapist assistant
111 based upon a material mistake of fact;

112 (12) Failure to display a valid license pursuant to practice as a physical therapist or
113 physical therapist assistant;

114 (13) Knowingly making, or causing to be made, or aiding, or abetting in the making of,
115 a false statement in any document executed in connection with the practice of physical therapy;

116 (14) Soliciting patronage in person or by agents or representatives, or by any other means
117 or manner, under the person's own name or under the name of another person or concern, actual
118 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or
119 necessity for or appropriateness of physical therapy services for all patients, or the qualifications
120 of an individual person or persons to render, or perform physical therapy services;

121 (15) Using, or permitting the use of, the person's name under the designation of "physical
122 therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.",
123 "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any
124 similar designation with reference to the commercial exploitation of any goods, wares or
125 merchandise;

126 (16) Knowingly making or causing to be made a false statement or misrepresentation of
127 a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for
128 payment from Title XVIII or Title XIX of the [federal Medicare program] **Social Security Act**;

129 (17) Failure or refusal to properly guard against contagious, infectious, or communicable
130 diseases or the spread thereof; maintaining an unsanitary facility or performing professional
131 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
132 in any physical therapy facility to the board, in writing, within thirty days after the discovery
133 thereof;

134 (18) Any candidate for licensure or person licensed to practice as a physical therapist or
135 physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section

136 334.010 to the contrary, practicing or offering to practice professional physical therapy
137 independent of the prescription and direction of a person licensed and registered as a physician
138 and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor
139 under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an
140 advanced practice registered nurse under chapter 335, or any licensed and registered physician,
141 chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another
142 jurisdiction, whose license is in good standing;

143 (19) Any candidate for licensure or person licensed to practice as a physical therapist or
144 physical therapist assistant treating or attempting to treat ailments or other health conditions of
145 human beings other than by professional physical therapy and as authorized by sections 334.500
146 to 334.685;

147 (20) A pattern of personal use or consumption of any controlled substance unless it is
148 prescribed, dispensed, or administered by a physician who is authorized by law to do so;

149 (21) Failing to maintain adequate patient records under 334.602;

150 (22) Attempting to engage in conduct that subverts or undermines the integrity of the
151 licensing examination or the licensing examination process, including but not limited to utilizing
152 in any manner recalled or memorized licensing examination questions from or with any person
153 or entity, failing to comply with all test center security procedures, communicating or attempting
154 to communicate with any other examinees during the test, or copying or sharing licensing
155 examination questions or portions of questions;

156 (23) Any candidate for licensure or person licensed to practice as a physical therapist or
157 physical therapist assistant who requests, receives, participates or engages directly or indirectly
158 in the division, transferring, assigning, rebating or refunding of fees received for professional
159 services or profits by means of a credit or other valuable consideration such as wages, an
160 unearned commission, discount or gratuity with any person who referred a patient, or with any
161 relative or business associate of the referring person;

162 (24) Being unable to practice as a physical therapist or physical therapist assistant with
163 reasonable skill and safety to patients by reasons of incompetency, or because of illness,
164 drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical
165 condition. The following shall apply to this subdivision:

166 (a) In enforcing this subdivision the board shall, after a hearing by the board, upon a
167 finding of probable cause, require a physical therapist or physical therapist assistant to submit
168 to a reexamination for the purpose of establishing his or her competency to practice as a physical
169 therapist or physical therapist assistant conducted in accordance with rules adopted for this
170 purpose by the board, including rules to allow the examination of the pattern and practice of such
171 physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental

172 or physical examination or combination thereof by a facility or professional approved by the
173 board;

174 (b) For the purpose of this subdivision, every physical therapist and physical therapist
175 assistant licensed under this chapter is deemed to have consented to submit to a mental or
176 physical examination when directed in writing by the board;

177 (c) In addition to ordering a physical or mental examination to determine competency,
178 the board may, notwithstanding any other law limiting access to medical or other health data,
179 obtain medical data and health records relating to a physical therapist, physical therapist assistant
180 or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

181 (d) Written notice of the reexamination or the physical or mental examination shall be
182 sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the
183 physical therapist or physical therapist assistant at the physical therapist's or physical therapist
184 assistant's last known address. Failure of a physical therapist or physical therapist assistant to
185 submit to the examination when directed shall constitute an admission of the allegations against
186 the physical therapist or physical therapist assistant, in which case the board may enter a final
187 order without the presentation of evidence, unless the failure was due to circumstances beyond
188 the physical therapist's or physical therapist assistant's control. A physical therapist or physical
189 therapist assistant whose right to practice has been affected under this subdivision shall, at
190 reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or
191 physical therapist assistant can resume the competent practice as a physical therapist or physical
192 therapist assistant with reasonable skill and safety to patients;

193 (e) In any proceeding under this subdivision neither the record of proceedings nor the
194 orders entered by the board shall be used against a physical therapist or physical therapist
195 assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the
196 board without the filing of a complaint with the administrative hearing commission;

197 (f) When the board finds any person unqualified because of any of the grounds set forth
198 in this subdivision, it may enter an order imposing one or more of the disciplinary measures set
199 forth in subsection 3 of this section.

200 3. After the filing of such complaint before the administrative hearing commission, the
201 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding
202 by the administrative hearing commission that the grounds provided in subsection 2 of this
203 section for disciplinary action are met, the board may, singly or in combination:

204 (1) Warn, censure or place the physical therapist or physical therapist assistant named
205 in the complaint on probation on such terms and conditions as the board deems appropriate for
206 a period not to exceed ten years;

207 (2) Suspend the physical therapist's or physical therapist assistant's license for a period
208 not to exceed three years;

209 (3) Restrict or limit the physical therapist's or physical therapist assistant's license for an
210 indefinite period of time;

211 (4) Revoke the physical therapist's or physical therapist assistant's license;

212 (5) Administer a public or private reprimand;

213 (6) Deny the physical therapist's or physical therapist assistant's application for a license;

214 (7) Permanently withhold issuance of a license;

215 (8) Require the physical therapist or physical therapist assistant to submit to the care,
216 counseling or treatment of physicians designated by the board at the expense of the physical
217 therapist or physical therapist assistant to be examined;

218 (9) Require the physical therapist or physical therapist assistant to attend such continuing
219 educational courses and pass such examinations as the board may direct.

220 4. In any order of revocation, the board may provide that the physical therapist or
221 physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical
222 therapist assistant's license for a period of time ranging from two to seven years following the
223 date of the order of revocation. All stay orders shall toll this time period.

224 5. Before restoring to good standing a license issued under this chapter which has been
225 in a revoked, suspended, or inactive state for any cause for more than two years, the board may
226 require the applicant to attend such continuing medical education courses and pass such
227 examinations as the board may direct.

228 6. In any investigation, hearing or other proceeding to determine a physical therapist's,
229 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient
230 of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the
231 board and admissible into evidence, regardless of any statutory or common law privilege which
232 such physical therapist, physical therapist assistant, applicant, record custodian, or patient might
233 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant,
234 or record custodian may withhold records or testimony bearing upon a physical therapist's,
235 physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between
236 such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

334.618. Upon receiving information that any provision of sections 334.500 to 334.687
2 has been or is being violated, the executive director of the board or other person designated by
3 the board shall investigate and, upon probable cause appearing, the executive director shall,
4 under the direction of the board, file a complaint with the administrative hearing commission or
5 appropriate official or court. All such complaints shall be handled as provided by rule
6 promulgated under [subdivision (6) of subsection 16 of section 620.010] **section 324.002.**

334.686. Any person who holds himself or herself out to be a physical therapist assistant or a licensed physical therapist assistant within this state or any person who advertises as a physical therapist assistant and who, in fact, does not hold a valid physical therapist assistant license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by law. Any person who, in any manner, represents himself or herself as a physical therapist assistant, or who uses in connection with such person's name the words or letters, "physical therapist assistant", the letters "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any other letters, words, abbreviations or insignia, indicating or implying that the person is a physical therapist assistant without a valid existing license as a physical therapist assistant issued to such person under the provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. This section shall not apply to physicians and surgeons licensed under this chapter or to a person in an entry level of a professional education program approved by the Commission [for] **on** Accreditation of Physical [Therapists and Physical Therapist Assistant] **Therapy** Education (CAPTE) who is satisfying supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education while under on-site supervision of a physical therapist; or to a physical therapist who is practicing in the United States Armed Forces, United States Public Health Service, or Veterans Administration under federal regulations for state licensure for health care providers.

335.036. 1. The board shall:

- (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection [10] **11** of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;
- (2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;
- (3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;
- (4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;
- (5) Designate as "approved" such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;
- (6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;
- (7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

18 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to
19 335.096, and may incur such necessary expenses therefor;

20 (9) Keep a record of all the proceedings; and make an annual report to the governor and
21 to the director of the department of insurance, financial institutions and professional registration;

22 (10) Establish an impaired nurse program.

23 2. The board shall set the amount of the fees which this chapter authorizes and requires
24 by rules and regulations. The fees shall be set at a level to produce revenue which shall not
25 substantially exceed the cost and expense of administering this chapter.

26 3. All fees received by the board pursuant to the provisions of sections 335.011 to
27 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of
28 nursing fund. All administrative costs and expenses of the board shall be paid from
29 appropriations made for those purposes. The board is authorized to provide funding for the
30 nursing education incentive program established in sections 335.200 to 335.203.

31 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
32 shall not be transferred and placed to the credit of general revenue until the amount in the fund
33 at the end of the biennium exceeds two times the amount of the appropriation from the board's
34 funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently
35 than yearly, then three times the appropriation from the board's funds for the preceding fiscal
36 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds
37 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal
38 year.

39 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
40 under the authority delegated in this chapter shall become effective only if it complies with and
41 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All
42 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.
43 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
44 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
45 section and chapter 536 are nonseverable and if any of the powers vested with the general
46 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
47 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
48 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

336.160. 1. The board may adopt reasonable rules and regulations within the scope and
2 terms of this chapter for the proper administration and enforcement thereof. It may employ such
3 board personnel, as defined in subdivision (4) of subsection [10] 11 of section 324.001, as it
4 deems necessary within appropriations therefor.

5 2. The board shall set the amount of the fees which this chapter authorizes and requires
6 by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level
7 to produce revenue which shall not substantially exceed the cost and expense of administering
8 this chapter.

 337.030. 1. Each psychologist licensed pursuant to the provisions of sections 337.010
2 to 337.090, who has not filed with the committee a verified statement that the psychologist has
3 retired from or terminated the psychologist's practice of psychology in this state, shall register
4 with the division on or before the registration renewal date. The division shall require a
5 registration fee which shall be submitted together with proof of compliance with the continuing
6 education requirement as provided in section 337.050 and any other information required for
7 such registration. Upon receipt of the required material and of the registration fee, the division
8 shall issue a renewal certificate of registration. [The division shall,] When issuing an initial
9 license to an applicant who has met all of the qualifications of sections 337.010 to 337.093 and
10 has been approved for licensure by the committee, **the division** shall grant the applicant, without
11 payment of any further fee, a certificate of registration valid until the next registration renewal
12 date.

13 2. The division shall mail a renewal notice to the last known address of each licensee
14 prior to the registration renewal date. Failure to provide the division with the proof of
15 compliance with the continuing education requirement and other information required for
16 registration, or to pay the registration fee after such notice shall [effect a revocation of the license
17 after a period of sixty days from the registration renewal date] **result in the expiration of the**
18 **license**. The license shall be restored if, within two years of the registration renewal date, the
19 applicant provides written application and the payment of the registration fee and a delinquency
20 fee and proof of compliance with the requirements for continuing education as provided in
21 section 337.050.

22 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
23 subject to the rules of the committee, upon payment of a reasonable fee.

24 4. The committee shall set the amount of the fees authorized by sections 337.010 to
25 337.093 and required by rules and regulations promulgated pursuant to section 536.021. The fees
26 shall be set at a level to produce revenue which shall not substantially exceed the cost and
27 expense of administering sections 337.010 to 337.090.

28 5. The committee is authorized to issue an inactive license to any licensee who makes
29 written application for such license on a form provided by the board and remits the fee for an
30 inactive license established by the committee. An inactive license may be issued only to a person
31 who has previously been issued a license to practice psychology in this state, who is no longer
32 regularly engaged in such practice and who does not hold himself or herself out to the public as

33 being professionally engaged in such practice in this state. Each inactive license shall be subject
34 to all provisions of this chapter, except as otherwise specifically provided. Each inactive license
35 may be renewed by the committee subject to all provisions of this section and all other provisions
36 of this chapter. The inactive licensee shall not be required to submit evidence of completion of
37 continuing education as required by this chapter. An inactive licensee may apply for a license
38 to regularly engage in the practice of psychology upon filing a written application on a form
39 provided by the committee, submitting the reactivation fee established by the committee, and
40 submitting proof of current competency as established by the committee.

337.347. For reimbursement and billing purposes of section 376.1224, services provided
2 by a provisionally licensed assistant behavior analyst, a provisionally licensed behavior analyst,
3 or a temporary licensed behavior analyst shall be billed by the supervising [board-certified]
4 **licensed** behavior analyst.

337.507. 1. Applications for examination and licensure as a professional counselor shall
2 be in writing, submitted to the division on forms prescribed by the division and furnished to the
3 applicant. The application shall contain the applicant's statements showing his education,
4 experience and such other information as the division may require. Each application shall
5 contain a statement that it is made under oath or affirmation and that the information contained
6 therein is true and correct to the best knowledge and belief of the applicant, subject to the
7 penalties provided for the making of a false affidavit or declaration. Each application shall be
8 accompanied by the fees required by the committee.

9 2. The division shall mail a renewal notice to the last known address of each licensee
10 prior to the registration renewal date. Failure to provide the division with the information
11 required for registration, or to pay the registration fee after such notice shall [effect a revocation
12 of the license after a period of sixty days from the registration renewal date] **result in the**
13 **expiration of the license**. The license shall be restored if, within two years of the registration
14 date, the applicant provides written application and the payment of the registration fee and a
15 delinquency fee.

16 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
17 subject to the rules of the committee, upon payment of a fee.

18 4. The committee shall set the amount of the fees which sections 337.500 to 337.540
19 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees
20 shall be set at a level to produce revenue which shall not substantially exceed the cost and
21 expense of administering the provisions of sections 337.500 to 337.540. All fees provided for
22 in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with
23 the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".

24 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund

25 shall not be transferred and placed to the credit of general revenue until the amount in the fund
26 at the end of the biennium exceeds two times the amount of the appropriation from the
27 committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less
28 frequently than yearly then three times the appropriation from the committee's fund for the
29 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the
30 fund which exceeds the appropriate multiple of the appropriations from the committee's fund for
31 the preceding fiscal year.

32 6. The committee shall hold public examinations at least two times per year, at such
33 times and places as may be fixed by the committee, notice of such examinations to be given to
34 each applicant at least ten days prior thereto.

337.612. 1. Applications for licensure as a clinical social worker, baccalaureate social
2 worker, advanced macro social worker or master social worker shall be in writing, submitted to
3 the committee on forms prescribed by the committee and furnished to the applicant. The
4 application shall contain the applicant's statements showing the applicant's education, experience,
5 and such other information as the committee may require. Each application shall contain a
6 statement that it is made under oath or affirmation and that the information contained therein is
7 true and correct to the best knowledge and belief of the applicant, subject to the penalties
8 provided for the making of a false affidavit or declaration. Each application shall be
9 accompanied by the fees required by the committee.

10 2. The committee shall mail a renewal notice to the last known address of each licensee
11 prior to the licensure renewal date. Failure to provide the committee with the information
12 required for licensure, or to pay the licensure fee after such notice shall [effect a revocation of
13 the license after a period of sixty days from the licensure renewal date] **result in the expiration**
14 **of the license**. The license shall be restored if, within two years of the licensure date, the
15 applicant provides written application and the payment of the licensure fee and a delinquency
16 fee.

17 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
18 subject to the rules of the committee, upon payment of a fee.

19 4. The committee shall set the amount of the fees which sections 337.600 to 337.689
20 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees
21 shall be set at a level to produce revenue which shall not substantially exceed the cost and
22 expense of administering the provisions of sections 337.600 to 337.689. All fees provided for
23 in sections 337.600 to 337.689 shall be collected by the director who shall deposit the same with
24 the state treasurer in a fund to be known as the "Clinical Social Workers Fund". After August
25 28, 2007, the clinical social workers fund shall be called the "Licensed Social Workers Fund"

26 and after such date all references in state law to the clinical social workers fund shall be
27 considered references to the licensed social workers fund.

28 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
29 shall not be transferred and placed to the credit of general revenue until the amount in the fund
30 at the end of the biennium exceeds two times the amount of the appropriations from the [clinical]
31 **licensed** social workers fund for the preceding fiscal year or, if the committee requires by rule
32 renewal less frequently than yearly, then three times the appropriation from the committee's fund
33 for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount
34 in the fund which exceeds the appropriate multiple of the appropriations from the clinical social
35 workers fund for the preceding fiscal year.

337.662. 1. Applications for licensure as a baccalaureate social worker shall be in
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the
3 applicant. The application shall contain the applicant's statements showing the applicant's
4 education, experience and such other information as the committee may require. Each
5 application shall contain a statement that it is made under oath or affirmation and that the
6 information contained therein is true and correct to the best knowledge and belief of the
7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.
8 Each application shall be accompanied by the fees required by the committee.

9 2. The committee shall mail a renewal notice to the last known address of each licensee
10 prior to the licensure renewal date. Failure to provide the committee with the information
11 required for licensure, or to pay the licensure fee after such notice shall [effect a revocation of
12 the license after a period of sixty days from the licensure renewal date] **result in the expiration**
13 **of the license**. The license shall be restored if, within two years of the licensure date, the
14 applicant provides written application and the payment of the licensure fee and a delinquency
15 fee.

16 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
17 subject to the rules of the committee, upon payment of a fee.

18 4. The committee shall set the amount of the fees which sections 337.650 to 337.689
19 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees
20 shall be set at a level to produce revenue which shall not substantially exceed the cost and
21 expense of administering the provisions of sections 337.650 to 337.689. All fees provided for
22 in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with
23 the state treasurer in the clinical social workers fund established in section 337.612.

337.712. 1. Applications for licensure as a marital and family therapist shall be in
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the
3 applicant. The application shall contain the applicant's statements showing the applicant's

4 education, experience and such other information as the committee may require. Each
5 application shall contain a statement that it is made under oath or affirmation and that the
6 information contained therein is true and correct to the best knowledge and belief of the
7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.
8 Each application shall be accompanied by the fees required by the division.

9 2. The division shall mail a renewal notice to the last known address of each licensee
10 prior to the licensure renewal date. Failure to provide the division with the information required
11 for [license] **licensure**, or to pay the licensure fee after such notice shall [effect a revocation of
12 the license after a period of sixty days from the license renewal date] **result in the expiration**
13 **of the license**. The license shall be restored if, within two years of the licensure date, the
14 applicant provides written application and the payment of the licensure fee and a delinquency
15 fee.

16 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
17 subject to the rules of the division upon payment of a fee.

18 4. The committee shall set the amount of the fees authorized. The fees shall be set at a
19 level to produce revenue which shall not substantially exceed the cost and expense of
20 administering the provisions of sections 337.700 to 337.739. All fees provided for in sections
21 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state
22 treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

23 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
24 shall not be transferred and placed to the credit of general revenue until the amount in the fund
25 at the end of the biennium exceeds two times the amount of the appropriations from the marital
26 and family therapists' fund for the preceding fiscal year or, if the division requires by rule
27 renewal less frequently than yearly then three times the appropriation from the fund for the
28 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the
29 fund which exceeds the appropriate multiple of the appropriations from the marital and family
30 therapists' fund for the preceding fiscal year.

338.130. 1. Each member of the board shall receive as compensation an amount set by
2 the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be
3 entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the
4 member's official duties.

5 2. The board may employ such board personnel, as defined in subdivision (4) of
6 subsection [10] **11** of section 324.001, as it deems necessary to carry out the provisions of this
7 chapter. The compensation and expenses of such personnel and all expenses incurred by the
8 board in carrying into execution the provisions of this chapter shall be paid out of the board of
9 pharmacy fund upon a warrant on the state treasurer.

339.120. 1. There is hereby created the "Missouri Real Estate Commission", to consist of seven persons, citizens of the United States and residents of this state for at least one year prior to their appointment, for the purpose of carrying out and enforcing the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall be appointed by the governor with the advice and consent of the senate. All members, except one voting public member, of the commission must have had at least ten years' experience as a real estate broker prior to their appointment. The terms of the members of the commission shall be for five years, and until their successors are appointed and qualified. Members to fill vacancies shall be appointed by the governor for the unexpired term. The president of the Missouri Association of Realtors in office at the time shall, at least ninety days prior to the expiration of the term of the board member, other than the public member, or as soon as feasible after the vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five realtors qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Association of Realtors shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association. The commission shall organize annually by selecting from its members a chairman. The commission may do all things necessary and convenient for carrying into effect the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860, and may promulgate necessary rules compatible with the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860. Each member of the commission shall receive as compensation an amount set by the commission not to exceed seventy-five dollars for each day devoted to the affairs of the commission, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The governor may remove any commissioner for cause.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements

37 or of the technical competence or technical judgment of a licensee or a candidate for licensure.

38 3. The commission shall employ such board personnel, as defined in subdivision (4) of
39 subsection [10] 11 of section 324.001, as it shall deem necessary to discharge the duties imposed
40 by the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860.

41 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
42 under the authority delegated in sections 339.010 to 339.180 and sections 339.710 to 339.860
43 shall become effective only if it complies with and is subject to all of the provisions of chapter
44 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28,
45 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal
46 or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
47 with all applicable provisions of law. This section and chapter 536 are nonseverable and if any
48 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
49 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
50 grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be
51 invalid and void.

345.035. 1. The board may, within the limits of appropriations, employ such board
2 personnel as defined in subdivision (4) of subsection [10] 11 of section 324.001 as may be
3 necessary to carry out its duties.

4 2. All expenses of the board shall be paid only from appropriations made for that purpose
5 from the board of registration for the healing arts fund.

407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a
2 for-profit entity or natural person to collect donations of unwanted household items via a public
3 receptacle and resell the donated items for profit unless the donation receptacle prominently
4 displays a statement in bold letters at least two inches high and two inches wide stating:
5 "DONATIONS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD
6 FOR PROFIT".

7 2. It shall be an unfair business practice in violation of section 407.020 for a for-profit
8 entity or natural person to collect donations of unwanted household items via a public receptacle
9 and resell the donated items where some or all of the proceeds from the sale are directly given
10 to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold
11 letters at least two inches high and two inches wide stating: "DONATIONS TO THE
12 FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of
13 proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of
14 the nonprofit beneficiary organization's name)."

15 3. It shall be an unfair business practice in violation of section 407.020 for a for-profit
16 entity or natural person to collect donations of unwanted household items via a public receptacle

17 and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon
18 the proceeds generated by the sale of the collected goods, and one hundred percent of the
19 proceeds from the sale of the items are given directly to the not-for-profit, unless the donation
20 receptacle prominently displays a statement in bold letters at least two inches high and two
21 inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE
22 FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF of (name of the
23 nonprofit beneficiary organization's name)".

24 4. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean
25 a primary color on a white background so as to be clearly visible to the public.

26 5. Nothing in this section shall apply to paper, glass, or aluminum products that are
27 donated for the purpose of being recycled in the manufacture of other products.

28 [6. Any entity which, on or before June 1, 2009, has distributed one hundred or more
29 separate public receptacles within the state of Missouri to which the provisions of subsection 2
30 or 3 of this section would apply shall be deemed in compliance with the signage requirements
31 imposed by this section for the first six months after August 28, 2009, provided such entity has
32 made or is making good faith efforts to bring all signage in compliance with the provisions of
33 this section and all such signage is in complete compliance no later than six months after August
34 28, 2009.]

414.412. 1. The director may reduce any percentage specified or waive the requirement
2 of subsection 3 of section 414.410 for any state agency upon receipt of certification supported
3 by evidence acceptable to the director that:

4 (1) The agency's vehicles will be operating primarily in an area in which neither the
5 agency nor a supplier has or can reasonably be expected to have a central refueling station for
6 alternative fuels; or

7 (2) The agency is unable to acquire or operate vehicles within the cost limitations of
8 section 414.400 or section 414.415; or

9 (3) The use of alternative fuels would not meet the energy conservation and exhaust
10 emissions reduction criteria of subsection 2 of section 414.410.

11 2. State agencies shall submit information describing the acquisition and use of vehicles
12 capable of using alternative fuels to the department in a format prescribed by the department.
13 The report shall include for each vehicle model capable of using alternative fuel:

14 (1) The types of alternative fuels used;

15 (2) The number of miles traveled using alternative fuels and the ratios to the total
16 numbers of miles traveled;

17 (3) The number of vehicles owned which are capable of using alternative fuels;

18 (4) Maintenance costs.

19 3. Each state-owned vehicle equipped to operate on gasoline, other than vehicles using
20 alternative fuel, shall use a fuel ethanol blend as defined in section [142.027] **142.028**, when
21 available at a competitive price, as its motor fuel, unless the United States Environmental
22 Protection Agency, or the governor by executive order, promulgates rules which prohibit, limit
23 or otherwise regulate the use of ethanol-blended fuels in ozone nonattainment areas, as defined
24 by Section 107 of the federal Clean Air Act, as amended, or in an area designated as a
25 maintenance area for ozone under Section 175A of the federal Clean Air Act, as amended,
26 state-owned vehicles shall not be required to use a fuel ethanol blend.

 443.805. 1. No person shall engage in the business of brokering, funding, servicing or
2 purchasing of residential mortgage loans without first obtaining a license as a residential
3 mortgage loan broker from the director, pursuant to sections 443.701 to 443.893 and the
4 regulations promulgated thereunder. The licensing provisions of sections 443.805 to 443.812
5 shall not apply to any person engaged solely in commercial mortgage lending or to any person
6 exempt as provided in section 443.703 or pursuant to regulations promulgated as provided in
7 sections 443.701 to 443.893.

8 2. No person except a licensee or exempt person shall do any business under any name
9 or title or circulate or use any advertising or make any representation or give any information to
10 any person which indicates or reasonably implies activity within the scope of the provisions of
11 sections 443.701 to 443.893.

12 [3. Any exempt entity as defined by section 443.803 on July 7, 2009, shall be exempt
13 from the licensing requirements of this section until June 1, 2010. Any such exempt entities
14 already licensed between July 8, 2009, and June 1, 2010, shall not be eligible for any refund of
15 licensure fees.]

 542.301. 1. Property which comes into the custody of an officer or of a court as the
2 result of any seizure and which has not been forfeited pursuant to any other provisions of law or
3 returned to the claimant shall be disposed of as follows:

4 (1) Stolen property, or property acquired in any other manner declared an offense by
5 chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this
6 subsection, shall be delivered by order of court upon claim having been made and established,
7 to the person who is entitled to possession:

8 (a) The claim shall be made by written motion filed with the court with which a motion
9 to suppress has been, or may be, filed. The claim shall be barred if not made within one year
10 from the date of the seizure;

11 (b) Upon the filing of such motion, the judge shall order notice to be given to all persons
12 interested in the property, including other claimants and the person from whose possession the
13 property was seized, of the time, place and nature of the hearing to be held on the motion. The

14 notice shall be given in a manner reasonably calculated to reach the attention of all interested
15 persons. Notice may be given to unknown persons and to persons whose address is unknown
16 by publication in a newspaper of general circulation in the county. No property shall be
17 delivered to any claimant unless all interested persons have been given a reasonable opportunity
18 to appear and to be heard;

19 (c) After a hearing, the judge shall order the property delivered to the person or persons
20 entitled to possession, if any. The judge may direct that delivery of property required as evidence
21 in a criminal proceeding shall be postponed until the need no longer exists;

22 (d) A law enforcement officer having custody of seized property may, at any time that
23 seized property has ceased to be useful as evidence, request that the prosecuting attorney of the
24 county in which property was seized file a motion with the court of such county for the
25 disposition of the seized property. If the prosecuting attorney does not file such motion within
26 sixty days of the request by the law enforcement officer having custody of the seized property,
27 then such officer may request that the attorney general file a written motion with the circuit court
28 of the county or judicial district in which the seizure occurred. Upon filing of the motion, the
29 court shall issue an order directing the disposition of the property. Such disposition may, if the
30 property is not claimed within one year from the date of the seizure or if no one establishes a
31 right to it, and the seized property has ceased to be useful as evidence, include a public sale of
32 the property. Pursuant to a motion properly filed and granted under this section, the proceeds
33 of any sale, less necessary expenses of preservation and sale, shall be paid into the county
34 treasury for the use of the county. If the property is not salable, the judge may order its
35 destruction. Notwithstanding any other provision of law, if no claim is filed within one year of
36 the seizure and no motion pursuant to this section is filed within six months thereafter, and the
37 seized property has ceased to be useful as evidence, the property shall be deemed abandoned,
38 converted to cash and shall be turned over immediately to the treasurer pursuant to section
39 447.543;

40 (e) If the property is a living animal or is perishable, the judge may, at any time, order
41 it sold at public sale. The proceeds shall be held in lieu of the property. A written description
42 of the property sold shall be filed with the judge making the order of sale so that the claimant
43 may identify the property. If the proceeds are not claimed within the time limited for the claim
44 of the property, the proceeds shall be paid into the county treasury. If the property is not salable,
45 the judge may order its destruction.

46 (2) Weapons, tools, devices, computers, computer equipment, computer software,
47 computer hardware, cellular telephones, or other devices capable of accessing the internet, and
48 substances other than motor vehicles, aircraft or watercraft, used by the owner or with the
49 owner's consent as a means for committing felonies other than the offense of possessing burglary

50 tools in violation of section 569.180, and property, the possession of which is an offense under
51 the laws of this state or which has been used by the owner, or used with the owner's acquiescence
52 or consent, as a raw material or as an instrument to manufacture, produce, or distribute, or be
53 used as a means of storage of anything the possession of which is an offense under the laws of
54 this state, or which any statute authorizes or directs to be seized, other than lawfully possessed
55 weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.

56 2. The officer who has custody of the property shall inform the prosecuting attorney of
57 the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon
58 file a written motion with the court with which the motion to suppress has been, or may be, filed
59 praying for an order directing the forfeiture of the property. If the prosecuting attorney of a
60 county in which property is seized fails to file a motion with the court for the disposition of the
61 seized property within sixty days of the request by a law enforcement officer, the officer having
62 custody of the seized property may request the attorney general to file a written motion with the
63 circuit court of the county or judicial district in which the seizure occurred. Upon filing of the
64 motion, the court shall issue an order directing the disposition of the property. The signed
65 motion shall be returned to the requesting agency. A motion may also be filed by any person
66 claiming the right to possession of the property praying that the court declare the property not
67 subject to forfeiture and order it delivered to the moving party.

68 3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the
69 judge shall order notice to be given to all persons interested in the property, including the person
70 out of whose possession the property was seized and any lienors, of the time, place and nature
71 of the hearing to be held on the motion. The notice shall be given in a manner reasonably
72 calculated to reach the attention of all interested persons. Notice may be given to unknown
73 persons and to persons of unknown address by publication in a newspaper of general circulation
74 in the county. Every interested person shall be given a reasonable opportunity to appear and to
75 be heard as to the nature of the person's claim to the property and upon the issue of whether or
76 not it is subject to forfeiture.

77 4. If the evidence is clear and convincing that the property in issue is in fact of a kind
78 subject to forfeiture under this subsection, the judge shall declare it forfeited and order its
79 destruction or sale. The judge shall direct that the destruction or sale of property needed as
80 evidence in a criminal proceeding shall be postponed until this need no longer exists.

81 5. If the forfeited property can be put to a lawful use, it may be ordered sold after any
82 alterations which are necessary to adapt it to a lawful use have been made. In the case of
83 computers, computer equipment, computer software, computer hardware, cellular telephones,
84 or other devices capable of accessing the internet, or other devices used in the acquisition,
85 possession, or distribution of child pornography or obscene material, the law enforcement agency

86 in possession of such items may, upon court order, retain possession of such property and
87 convert such property to the use of the law enforcement agency for use in criminal investigations.
88 If there is a holder of a bona fide lien against property which has been used as a means for
89 committing an offense or which has been used as a raw material or as an instrument to
90 manufacture or produce anything which is an offense to possess, who establishes that the use was
91 without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of
92 preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The
93 remaining amount shall be paid into the county treasury.

94 6. If the property is perishable the judge may order it sold at a public sale or destroyed,
95 as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of
96 preservation and sale, shall be held in lieu of the property.

97 7. When a warrant has been issued to search for and seize allegedly obscene matter for
98 forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the
99 matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the
100 matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary
101 proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and
102 convincing that the matter is obscene as defined by law and it was being held or displayed for
103 sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene
104 and forfeited to the state and order its destruction or other disposition; except that, no forfeiture
105 shall be declared without the dealer, distributor or displayer being given a reasonable opportunity
106 to appear in opposition and without the judge having thoroughly examined each item. If the
107 material to be seized is the same as or another copy of matter that has already been determined
108 to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's
109 agent, the determination of obscenity in the criminal proceeding shall constitute clear and
110 convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except
111 when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions
112 or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered
113 within ten days of the return of the warrant. If the matter is not found to be obscene or is not
114 found to have been held or displayed for sale, exhibition or distribution to the public, or a
115 judgment is not entered within the time provided for, the matter shall be restored forthwith to the
116 dealer, exhibitor or displayer.

117 8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment,
118 the case should be assigned for hearing at the earliest practicable date and expedited in every
119 way. Destruction or disposition of a matter declared forfeited shall be postponed until the
120 judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and
121 until the matter is no longer needed as evidence in a criminal proceeding.

122 9. A determination of obscenity, pursuant to this subsection, shall not be admissible in
123 any criminal proceeding against any person or corporation for sale or possession of obscene
124 matter; except that dealer, distributor or displayer from which the obscene matter was seized for
125 forfeiture to the state.

126 10. When allegedly obscene matter or pornographic material for minors has been seized
127 under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no
128 longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in
129 which the matter was seized may file a written motion with the circuit court of the county or
130 judicial district in which the seizure occurred praying for an order directing the forfeiture of the
131 matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date,
132 time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor,
133 displayer or such person's agent. Such notice shall be served no less than five days before the
134 hearing.

135 11. If the evidence is clear and convincing that the matter is obscene as defined by law,
136 and that the obscene material was being held or displayed for sale, exhibition, distribution or
137 circulation to the public or that the matter is pornographic for minors and that the pornographic
138 material was being held or displayed for sale, exhibition, distribution or circulation to minors,
139 the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and
140 order its destruction or other disposition. A determination that the matter is obscene in a
141 criminal proceeding as well as a determination that such obscene material was held or displayed
142 for sale, exhibition, distribution or circulation to the public or a determination that the matter is
143 pornographic for minors in a criminal proceeding as well as a determination that such
144 pornographic material was held or displayed for sale, exhibition, distribution or circulation to
145 minors shall be clear and convincing evidence that such material should be forfeited to the state;
146 except that, no forfeiture shall be declared without the dealer, distributor or displayer being given
147 a reasonable opportunity to appear in opposition and without a judge having thoroughly
148 examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to
149 appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed
150 the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer,
151 distributor or displayer has been charged and found guilty of holding or displaying for sale,
152 exhibiting, distributing or circulating obscene material to the public or pornographic material for
153 minors to minors. If the matter is not found to be obscene, or if obscene material is not found
154 to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if
155 the matter is not found to be pornographic for minors or if pornographic material is not found
156 to have been held or displayed for sale, exhibition, distribution or circulation to minors, the
157 matter shall be restored forthwith to the dealer, exhibitor or displayer.

12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case shall be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

13. A determination of obscenity shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter.

14. An appeal by any party shall be allowed from the judgment of the court as in other civil actions.

15. All other property still in the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to this section or any other provision of law after three years following the seizure and which has ceased to be useful as evidence shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543.

[16. In fiscal year 2003, the commissioner of administration shall estimate the amount of any additional state revenue received pursuant to this section and section 447.532, shall transfer an equivalent amount of general revenue to the schools of the future fund created in section 163.005.]

643.079. 1. Any air contaminant source required to obtain a permit issued under sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted. Thereafter, the fee shall be set every three years by the commission by rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the commission may make annual adjustments to the fee by rule. The fee shall be set at an amount consistent with the need to fund the reasonable cost of administering sections 643.010 to 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355. [For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility shall be considered one source under the definition of subsection 2 of section 643.078, except that a facility with multiple operating permits shall pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit.

2. A source which produces charcoal from wood shall pay an annual emission fee under this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated air contaminant emitted for the first four thousand tons of each contaminant emitted in the

19 amount established by the commission pursuant to subsection 1 of this section, reduced
20 according to the following schedule:

21 (1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be
22 reduced by one hundred percent;

23 (2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall
24 be reduced by eighty percent;

25 (3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall
26 be reduced by sixty percent.

27 3. The fees imposed in subsection 2 of this section shall not be imposed or collected after
28 the year 2000 unless the general assembly reimposes the fee.

29 4.] 2. Each air contaminant source with a permit issued under sections 643.010 to
30 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant
31 emitted each year but no air contaminant source shall pay fees on total emissions of regulated
32 air contaminants in excess of twelve thousand tons in any calendar year. A permitted air
33 contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee
34 equal to the amount per ton set by the commission. An air contaminant source which pays
35 emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may
36 deduct such fees from any amount due under this section. The fees imposed in this section shall
37 not be applied to carbon oxide emissions. The fees imposed in subsection 1 **of this section** and
38 this subsection shall not be applied to sulfur dioxide emissions from any Phase I affected unit
39 subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended,
40 42 U.S.C. 7651, et seq., any sooner than January 1, 2000. The fees imposed on emissions from
41 Phase I affected units shall be consistent with and shall not exceed the provisions of the federal
42 Clean Air Act, as amended, and the regulations promulgated thereunder. Any such fee on
43 emissions from any Phase I affected unit shall be reduced by the amount of the service fee paid
44 by that Phase I affected unit pursuant to subsection 8 of this section in that year. Any fees that
45 may be imposed on Phase I sources shall follow the procedures set forth in subsection 1 **of this**
46 **section** and this subsection and shall not be applied retroactively.

47 [5.] 3. Moneys collected under this section shall be transmitted to the director of revenue
48 for deposit in appropriate subaccounts of the natural resources protection fund created in section
49 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are
50 required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C.
51 Section 7661, et seq., and used, upon appropriation, to fund activities by the department to
52 implement the operating permits program authorized by Title V of the federal Clean Air Act, as
53 amended. Another subaccount shall be maintained for fees paid by air contaminant sources
54 which are not required to be permitted under Title V of the federal Clean Air Act as amended,

55 and used, upon appropriation, to fund other air pollution control program activities. Another
56 subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase
57 I affected units which are subject to the requirements of Title IV, Section 404, of the federal
58 Clean Air Act Amendments of 1990, as amended, 42 U.S.C. [7651] **7651c**, and used, upon
59 appropriation, to fund air pollution control program activities. The provisions of section 33.080
60 to the contrary notwithstanding, moneys in the fund shall not revert to general revenue at the end
61 of each biennium. Interest earned by moneys in the subaccounts shall be retained in the
62 subaccounts. The per-ton fees established under subsection 1 of this section may be adjusted
63 annually, consistent with the need to fund the reasonable costs of the program, but shall not be
64 less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per
65 ton of regulated air contaminant. [The first adjustment shall apply to moneys payable on April
66 1, 1994, and shall be based upon the general price level for the twelve-month period ending on
67 August thirty-first of the previous calendar year.

68 6.] **4.** The department may initiate a civil action in circuit court against any air
69 contaminant source which has not remitted the appropriate fees within thirty days. In any
70 judgment against the source, the department shall be awarded interest at a rate determined
71 pursuant to section 408.030 and reasonable attorney's fees. In any judgment against the
72 department, the source shall be awarded reasonable attorney's fees.

73 [7.] **5.** The department shall not suspend or revoke a permit for an air contaminant source
74 solely because the source has not submitted the fees pursuant to this section.

75 [8. Any Phase I affected unit which is subject to the requirements of Title IV, Section
76 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall pay annually beginning
77 April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year
78 as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for
79 each Phase I affected generating unit to help fund the administration of sections 643.010 to
80 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following
81 public hearing, based on an annual allocation prepared by the department showing the details of
82 all costs and expenses upon which such fees are based consistent with the department's
83 reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its
84 responsibilities with respect to Phase I affected units, but such service fee shall not exceed
85 twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located
86 on one or more contiguous tracts of land with any Phase II generating unit that pays fees under
87 subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this
88 subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public
89 roads, highways and railroads, which is under the control of or owned by the permit holder and
90 operated as a single enterprise.

91 9.] 6. The department of natural resources shall determine the fees due pursuant to this
92 section by the state of Missouri and its departments, agencies and institutions, including two- and
93 four-year institutions of higher education. The director of the department of natural resources
94 shall forward the various totals due to the joint committee on capital improvements and the
95 directors of the individual departments, agencies and institutions. The departments, as part of
96 the budget process, shall annually request by specific line item appropriation funds to pay said
97 fees and capital funding for projects determined to significantly improve air quality. If the
98 general assembly fails to appropriate funds for emissions fees as specifically requested, the
99 departments, agencies and institutions shall pay said fees from other sources of revenue or funds
100 available. The state of Missouri and its departments, agencies and institutions may receive
101 assistance from the small business technical assistance program established pursuant to section
102 643.173.

2 [8.305. 1. Any appliance purchased with state moneys or a portion of
3 state moneys shall be an appliance that has earned the Energy Star under the
4 Energy Star program co-sponsored by the United States Department of Energy
5 and the United States Environmental Protection Agency. For purposes of this
6 section, the term appliance shall have the same meaning as in section 144.526.

7 2. The commissioner of the office of administration may exempt any
8 appliance from the requirements of subsection 1 of this section when the cost of
9 compliance is expected to exceed the projected energy cost savings gained.

10 3. The provisions of this section shall expire on August 28, 2011.]

2 [21.485. During the legislative interim between the first regular session
3 of the ninety-fifth general assembly through December 31, 2009, the joint
4 committee on education shall study the issue of governance in urban school
5 districts containing most or all of a home rule city with more than four hundred
6 thousand inhabitants and located in more than one county. In studying this issue,
7 the joint committee may solicit input and information necessary to fulfill its
8 obligation, including but not limited to soliciting input and information from any
9 state department, state agency, school district, political subdivision of the state,
10 teachers, administrators, school board members, all interested parties concerned
11 about governance within the school districts identified in this section, and the
12 general public. The joint committee shall prepare a final report, together with its
13 recommendations for any legislative action deemed necessary for submission to
14 the general assembly by December 31, 2009.]

2 [21.800. 1. There is established a joint committee of the general
3 assembly to be known as the "Joint Committee on Terrorism, Bioterrorism, and
4 Homeland Security" to be composed of seven members of the senate and seven
5 members of the house of representatives. The senate members of the joint
committee shall be appointed by the president pro tem and minority floor leader

6 of the senate and the house members shall be appointed by the speaker and
7 minority floor leader of the house of representatives. The appointment of each
8 member shall continue during the member's term of office as a member of the
9 general assembly or until a successor has been appointed to fill the member's
10 place when his or her term of office as a member of the general assembly has
11 expired. No party shall be represented by more than four members from the
12 house of representatives nor more than four members from the senate.

13 A majority of the committee shall constitute a quorum, but the concurrence of a
14 majority of the members shall be required for the determination of any matter
15 within the committee's duties.

16 2. The joint committee shall:

17 (1) Make a continuing study and analysis of all state government
18 terrorism, bioterrorism, and homeland security efforts, including the feasibility
19 of compiling information relevant to immigration enforcement issues;

20 (2) Devise a standard reporting system to obtain data on each state
21 government agency that will provide information on each agency's terrorism and
22 bioterrorism preparedness, and homeland security status at least biennially;

23 (3) Determine from its study and analysis the need for changes in
24 statutory law; and

25 (4) Make any other recommendation to the general assembly necessary
26 to provide adequate terrorism and bioterrorism protections, and homeland
27 security to the citizens of the state of Missouri.

28 3. The joint committee shall meet within thirty days after its creation and
29 organize by selecting a chairperson and a vice chairperson, one of whom shall be
30 a member of the senate and the other a member of the house of representatives.
31 The chairperson shall alternate between members of the house and senate every
32 two years after the committee's organization.

33 4. The committee shall meet at least quarterly. The committee may meet
34 at locations other than Jefferson City when the committee deems it necessary.

35 5. The committee shall be staffed by legislative personnel as is deemed
36 necessary to assist the committee in the performance of its duties.

37 6. The members of the committee shall serve without compensation but
38 shall be entitled to reimbursement for actual and necessary expenses incurred in
39 the performance of their official duties.

40 7. It shall be the duty of the committee to compile a full report of its
41 activities for submission to the general assembly. The report shall be submitted
42 not later than the fifteenth of January of each year in which the general assembly
43 convenes in regular session and shall include any recommendations which the
44 committee may have for legislative action as well as any recommendations for
45 administrative or procedural changes in the internal management or organization
46 of state or local government agencies and departments. Copies of the report
47 containing such recommendations shall be sent to the appropriate directors of
48 state or local government agencies or departments included in the report.

49 8. The provisions of this section shall expire on December 31, 2011.]

50

2 [21.830. 1. There is hereby established a joint committee of the general
3 assembly, which shall be known as the "Joint Committee on Missouri's Energy
4 Future", which shall be composed of five members of the senate, with no more
5 than three members of one party, and five members of the house of
6 representatives, with no more than three members of one party. The senate
7 members of the committee shall be appointed by the president pro tem of the
8 senate and the house members by the speaker of the house of representatives.
9 The committee shall select either a chairperson or co-chairpersons, one of whom
10 shall be a member of the senate and one a member of the house of
11 representatives. A majority of the members shall constitute a quorum. Meetings
12 of the committee may be called at such time and place as the chairperson or
13 chairpersons designate.

14 2. The committee shall examine Missouri's present and future energy
15 needs to determine the best strategy to ensure a plentiful, affordable and clean
16 supply of electricity that will meet the needs of the people and businesses of
17 Missouri for the next twenty-five years and ensure that Missourians continue to
18 benefit from low rates for residential, commercial, and industrial energy
19 consumers.

20 3. The joint committee may hold hearings as it deems advisable and may
21 obtain any input or information necessary to fulfill its obligations. The
22 committee may make reasonable requests for staff assistance from the research
23 and appropriations staffs of the house and senate and the committee on legislative
24 research, as well as the department of economic development, department of
25 natural resources, and the public service commission.

26 4. The joint committee shall prepare a final report, together with its
27 recommendations for any legislative action deemed necessary, for submission to
28 the general assembly by December 31, 2009, at which time the joint committee
29 shall be dissolved.

30 5. Members of the committee shall receive no compensation but may be
31 reimbursed for reasonable and necessary expenses associated with the
32 performance of their official duties.]

2 [21.910. 1. There is hereby created the "Joint Committee on the
3 Reduction and Reorganization of Programs within State Government". The
4 committee shall be composed of thirteen members as follows:

5 (1) Three majority party members and two minority party members of the
6 senate, to be appointed by the president pro tem of the senate;

7 (2) Three majority party members and two minority party members of the
8 house of representatives, to be appointed by the speaker of the house of
representatives;

9 (3) The commissioner of the office of administration, or his or her
10 designee;

11 (4) A representative of the governor's office; and

12 (5) A supreme court judge, or his or her designee, as selected by the
13 Missouri supreme court.

14 2. The committee shall study programs within every department that
15 should be eliminated, reduced, or combined with another program or programs.
16 As used in this section, the term "program" shall have the same meaning as in
17 section 23.253.

18 3. In order to assist the committee with its responsibilities under this
19 section, each department shall comply with any request for information made by
20 the committee with regard to any programs administered by such department.

21 4. The members of the committee shall elect a chairperson and vice
22 chairperson.

23 5. The committee shall submit a report to the general assembly by
24 December 31, 2010, and such report shall contain any recommendations of the
25 committee for eliminating, reducing, or combining any program with another
26 program or programs in the same or a different department.

27 6. The provisions of this section shall expire on January 1, 2011.]
28

[82.291. 1. For purposes of this section, "derelict vehicle" means any
2 motor vehicle or trailer that was originally designed or manufactured to transport
3 persons or property on a public highway, road, or street and that is junked,
4 scrapped, dismantled, disassembled, or in a condition otherwise harmful to the
5 public health, welfare, peace, and safety.

6 2. The owner of any property located in any home rule city with more
7 than twenty-six thousand two hundred but less than twenty-six thousand three
8 hundred inhabitants, except any property subclassed as agricultural and
9 horticultural property pursuant to section 4(b), article X, of the Constitution of
10 Missouri or any property containing any licensed vehicle service or repair facility,
11 who permits derelict vehicles or substantial parts of derelict vehicles to remain
12 on the property other than inside a fully enclosed permanent structure designed
13 and constructed for vehicle storage shall be liable for the removal of the vehicles
14 or the parts if they are declared to be a public nuisance.

15 3. To declare derelict vehicles or parts of derelict vehicles to be a public
16 nuisance, the governing body of the city shall give a hearing upon ten days'
17 notice, either personally or by United States mail to the owner or agent, or by
18 posting a notice of the hearing on the property. At the hearing, the governing
19 body may declare the vehicles or the parts to be public nuisances, and may order
20 the nuisance to be removed within five business days. If the nuisance is not
21 removed within the five days, the governing body or the designated city official
22 shall have the nuisance removed and shall certify the costs of the removal to the
23 city clerk or the equivalent official, who shall cause a special tax bill for the

removal to be prepared against the property and collected by the collector with other taxes assessed on the property, and to be assessed any interest and penalties for delinquency as other delinquent tax bills are assessed as permitted by law.

4. The provisions of this section shall terminate on August 28, 2010.]

[105.380. 1. Delinquent payments due under section 105.370 shall bear interest at a rate equal to that charged by the federal agency for the period for which said payments are delinquent. No interest shall be charged if less than one dollar.

2. Delinquent wage reports or adjustment reports or contributions due but not filed or submitted by prescribed due dates shall be subject to a penalty of five dollars for the first day and one dollar for each day thereafter, or the penalty prescribed by the federal agency, whichever is greater. No more than one penalty shall apply in case of any joint failure to file a deposit return and to pay deposit contributions on the same prescribed due date.

3. Extensions to file required annual wage reports and adjustment reports may be granted by the state agency for good cause providing a written extension request is mailed to the state agency on or before the prescribed due date with an estimated deposit no less than the previous deposit, as adjusted. No penalty shall be applied to any report for which an extension of time has been authorized by the state agency.

4. The state administrator or his designate may, upon written request by any political subdivision or instrumentality covered by an agreement entered into under section 105.350 and upon showing of "good cause", abate any portion or all of a penalty charge which has been assessed in accordance with subsection 2 of this section. Good cause abatement can only be granted within the rules and regulations established by the state agency pursuant to section 105.430.]

[105.385. 1. Delinquent payments due under section 105.370, together with accrued interest and penalties, may, at the request of the state agency, be deducted from any moneys payable to the subdivision or instrumentality by any department or agency of the state, or may be recovered in a court of competent jurisdiction against the political subdivision or instrumentality.

2. Whenever the state agency shall certify to any agency of the state authorized to apportion or allocate funds to political subdivisions or instrumentalities that any political subdivision or instrumentality is delinquent in its payments as provided by sections 105.300 to 105.440, the amount so certified shall be withheld from distribution. Upon notification by the state administrator of the withholding by the distributing agency, the state treasurer, or appropriate official, if other than the state treasurer, shall transfer the amount so certified or such part thereof as is available from apportionments or allocations due the political subdivision or instrumentality to the state agency. In the event the state agency recovers any delinquent amounts from the political subdivision or

instrumentality, the funds so recovered shall be credited to the fund or funds from which the transfer was made, and the distributing agency shall then apportion or allocate to the political subdivision or instrumentality the amount it was originally entitled to receive by law.

3. Whenever any political subdivision or instrumentality which is part of or located within a county shall become delinquent of any payments due under section 105.370 and/or 105.380, the state agency may certify to the treasurer or to any appropriate officer of the county and/or political subdivision or instrumentality the amount of the delinquent payment plus accrued interest and penalties. The official receiving such certification shall without regard to formal administrative procedure and usage of a particular fund, cause payments to be made out of available funds to the state agency sufficient to cover the amount certified by the state agency. If any treasurer or appropriate official to which the delinquent payment certification is so directed shall fail or neglect to perform the duties imposed upon him by this section he shall be liable upon his bond for the failure or neglect.]

[105.390. 1. The state treasurer is appointed trustee of the old age and survivors insurance contributions. The trustee shall deposit in one or more banks or trust companies to the credit of the trust the following:

(1) All contributions, interest and penalties collected under sections 105.340 to 105.385;

(2) All moneys appropriated thereto;

(3) All moneys paid to the state pursuant to any agreement entered into under section 105.350;

(4) Any property or securities and earnings thereof acquired through the use of the moneys in the account; and

(5) All sums recovered upon the bond of the trustee or otherwise for losses sustained by the account and all other moneys received for the account from any other source.

2. No money shall be deposited in or be retained by any bank or trust company which does not have on deposit with and for the trustee at the time the kind and value of collateral required by section 30.270 for depositaries of the state treasurer.

3. All moneys in the trustee's account shall be mingled and undivided. Subject to the provisions of sections 105.300 to 105.440, the trustee is vested with full power, authority and jurisdiction over the account, including all moneys and property or securities belonging thereto, and may perform any and all acts which are necessary to the administration thereof consistent with the provisions of sections 105.300 to 105.440, except that all withdrawals from the trustee's account shall be accompanied by a certification of the director of the division of accounting that the withdrawal is in the correct amount and for a proper and legal purpose.

27 4. The trustee's account shall be held separate and apart from any other
28 funds or moneys of the state and shall be used and administered exclusively for
29 the purpose of sections 105.300 to 105.440. Withdrawals from such account
30 shall be made solely for:

31 (1) Payment of amounts required to be paid to the federal agency
32 pursuant to an agreement entered into under section 105.310;

33 (2) Payments of refunds provided for in section 105.340;

34 (3) Refunds of overpayments, not otherwise adjustable, made by a
35 political subdivision or instrumentality; or

36 (4) Investing part or all of the account in United States obligations or for
37 placing part or all of the account in open account time deposits in banking
38 institutions in this state selected by the state treasurer and approved by the
39 governor and state auditor.

40 5. All interest received from the investment or deposit of funds from this
41 account and all interest and penalties collected but not remitted to the federal
42 agency shall be credited by the state treasurer to general revenue.

43 6. From his account the trustee shall pay to the federal agency such
44 amounts and at such times as may be directed by the state agency in accordance
45 with any agreement entered into under section 105.310.]
46

 [105.440. The state agency shall make studies concerning the problem
2 of old age and survivors protection for employees of the state and local
3 governments and their instrumentalities concerning the operation of agreements
4 made and plans approved under sections 105.300 to 105.440, and shall submit a
5 report to the general assembly by April fifteenth of each year covering the
6 administration and operation of sections 105.300 to 105.440 during the preceding
7 year, including such recommendations for amendments to sections 105.300 to
8 105.440 as it considers proper and necessary.]
9

 [105.445. 1. The state agency shall have access to all payroll and
2 disbursement records of political subdivisions and instrumentalities covered by
3 agreement pursuant to section 105.350. The state agency after giving notice may
4 order the political subdivision or instrumentality to make its books and records
5 available to the state agency, at the office of the political subdivision or
6 instrumentality and may audit those books and records.

7 2. The state agency may recover the actual costs and necessary expenses
8 for the preparation of required Social Security wage and adjustment reports not
9 filed with the state agency by a political subdivision or instrumentality. Such
10 costs and expenses shall be billed and paid upon completion of wage and
11 adjustment reports and all moneys collected shall be immediately deposited into
12 the state's general revenue fund.

13 3. The state administrator shall have the power to issue a subpoena duces
14 tecum to compel the production of any payroll and disbursement records of

15 political subdivisions and instrumentalities covered by agreement pursuant to
16 section 105.350.]
17

2 [160.932. 1. Subject to appropriations, the department of elementary and
3 secondary education shall implement a pilot program allowing the regional
4 interagency coordinating council of the greater St. Louis system point of entry to
5 hire a part-time child-find coordinator to conduct the child-find requirements
6 under subsection 3 of section 160.910 for the region. The part-time child-find
7 coordinator shall be hired, selected, and employed by the regional interagency
8 coordinating council of the greater St. Louis system point of entry by July 1,
9 2008.

10 2. By September 1, 2010, the greater St. Louis system point of entry shall
11 conduct a study on the effect of hiring the child-find coordinator under this
12 section. The study shall be submitted to the department, the state interagency
13 coordinating council and the general assembly.

14 3. The provisions of this section shall expire on September 1, 2011.]

2 [160.933. 1. There is hereby created in the state treasury the "Part C
3 Early Intervention Pilot Program Fund" for implementing the provisions of
4 section 160.932. Moneys deposited in the fund shall be considered state funds
5 under article IV, section 15 of the Missouri Constitution. The state treasurer shall
6 be custodian of the fund and may disburse moneys from the fund in accordance
7 with sections 30.170 and 30.180. Upon appropriation, money in the fund shall
8 be used solely for administration of section 160.932. The state treasurer shall
9 invest moneys in the fund in the same manner as other funds are invested. Any
10 interest and moneys earned on such investments shall be credited to the fund.

11 2. At the end of each biennium and after all statutorily or constitutionally
12 required transfer of funds have been made, the state treasurer shall transfer the
13 balance in the fund, except for gifts, donations, bequests, or money received from
14 a federal source, created in subsection 1 of this section in excess of two hundred
15 percent of the previous fiscal year's expenditures into the state general revenue
16 fund.

17 3. The department of elementary and secondary education shall
18 promulgate rules to implement the provisions of section 160.932. Any rule or
19 portion of a rule, as that term is defined in section 536.010, that is created under
20 the authority delegated in this section shall become effective only if it complies
21 with and is subject to all of the provisions of chapter 536 and, if applicable,
22 section 536.028. This section and chapter 536 are nonseverable and if any of the
23 powers vested with the general assembly under chapter 536 to review, to delay
24 the effective date, or to disapprove and annul a rule are subsequently held
25 unconstitutional, then the grant of rulemaking authority and any rule proposed or
26 adopted after August 28, 2007, shall be invalid and void.]

[168.083. 1. Any qualified applicant may be granted a temporary administrator certificate upon joint application with a Missouri public school district or accredited nonpublic school which establishes a mentoring program pursuant to subsection 2 of this section. The temporary administrator certificate is limited to the employing Missouri public school district or accredited nonpublic school. An applicant for a temporary administrator certificate may apply for only one area of certification at a time.

2. The employing Missouri public school district or accredited nonpublic school shall develop a mentoring program to provide adequate support to the holder of the temporary administrator certificate to ensure proper transition into the administrative environment.

3. The temporary administrator certificate of license to teach is valid for up to one school year. It may be renewed annually for up to four subsequent years by joint application from the certificate holder and employing Missouri public school district or accredited nonpublic school upon demonstration that the applicant is making continuous, measurable progress toward obtaining a full administrator certificate of license to teach. The state board of education shall establish specific standards as to what constitutes making measurable progress toward obtaining a full administrator certificate; provided that a full administrator certificate at that grade level shall be required after the fifth year of a temporary administrator certificate in order to retain administrator certification.

4. Applications for a Missouri temporary administrator certificate shall be submitted on forms provided and approved by the state board of education.

5. The state board of education shall promulgate rules and regulations for the issuance and renewal of temporary administrator certificates. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

6. As used in this section, the term "qualified applicant" shall mean a person who:

- (1) Holds a valid certificate of license to teach in Missouri;
- (2) Has a master's degree or is currently enrolled in a master's degree program; and
- (3) Has at least five years of teaching experience in a public school, in an accredited nonpublic school, or in a combination of such schools at the grade level for which the temporary administrator certificate is sought.

7. The provisions of this section shall expire August 28, 2012.]

[191.115. 1. There is hereby established in the department of health and senior services an "Alzheimer's State Plan Task Force". The task force shall consist of nineteen members, as follows:

- (1) The lieutenant governor or his or her designee, who shall serve as chair of the task force;

6 (2) The directors of the departments of health and senior services, social
7 services, and mental health or their designees;

8 (3) One member of the house of representatives appointed by the speaker
9 of the house;

10 (4) One member of the senate appointed by the president pro tem of the
11 senate;

12 (5) One member who has early-stage Alzheimer's or a related dementia;

13 (6) One member who is a family caregiver of a person with Alzheimer's
14 or a related dementia;

15 (7) One member who is a licensed physician with experience in the
16 diagnosis, treatment, and research of Alzheimer's disease;

17 (8) One member from the office of the state ombudsman for long-term
18 care facility residents;

19 (9) One member representing the home care profession;

20 (10) One member representing residential long-term care;

21 (11) One member representing the adult day services profession;

22 (12) One member representing the insurance profession;

23 (13) One member representing the area agencies on aging;

24 (14) One member with expertise in minority health;

25 (15) One member who is a licensed elder law attorney;

26 (16) Two members from the leading voluntary health organization in
27 Alzheimer's care, support, and research.

28 2. The members of the task force, other than the lieutenant governor,
29 members from the general assembly, and department directors, shall be appointed
30 by the governor with the advice and consent of the senate. Members shall serve
31 on the task force without compensation.

32 3. The task force shall:

33 (1) Assess the current and future impact of Alzheimer's disease and
34 related dementia on residents of the state of Missouri;

35 (2) Examine the existing services and resources addressing the needs of
36 persons with dementia, their families, and caregivers; and

37 (3) Develop recommendations to respond to the escalating public health
38 situation regarding Alzheimer's.

39 4. The task force shall include an examination of the following in its
40 assessment and recommendations required to be completed under subsection 3
41 of this section:

42 (1) Trends in state Alzheimer's and related dementia populations and
43 their needs, including but not limited to the state's role in long-term care, family
44 caregiver support, and assistance to persons with early-stage Alzheimer's, early
45 onset of Alzheimer's, and individuals with Alzheimer's disease as a result of
46 Down's Syndrome;

47 (2) Existing services, resources, and capacity, including but not limited
48 to:

- 49 (a) Type, cost, and availability of services for persons with dementia,
50 including home- and community-based resources, respite care to assist families,
51 residential long-term care options, and adequacy and appropriateness of
52 geriatric-psychiatric units for persons with behavior disorders associated with
53 Alzheimer's and related dementia;
54 (b) Dementia-specific training requirements for individuals employed to
55 provide care for persons with dementia;
56 (c) Quality care measure for services delivered across the continuum of
57 care;
58 (d) Capacity of public safety and law enforcement to respond to persons
59 with Alzheimer's and related dementia;
60 (e) State support for Alzheimer's research through institutes of higher
61 learning in Missouri;
62 (3) Needed state policies or responses, including but not limited to
63 directions for the provision of clear and coordinated services and supports to
64 persons and families living with Alzheimer's and related dementias and strategies
65 to address any identified gaps in services.
66 5. The task force shall hold a minimum of one meeting at four diverse
67 geographic regions in the state of Missouri during the calendar year to seek public
68 input.
69 6. The task force shall submit a report of its findings and date-specific
70 recommendations to the general assembly and the governor in the form of a state
71 Alzheimer's plan no later than November 15, 2010, as part of Alzheimer's disease
72 awareness month.
73 7. The task force shall continue to meet at the request of the chair and at
74 a minimum of one time annually for the purpose of evaluating the
75 implementation and impact of the task force recommendations and provide
76 annual supplemental reports on the findings to the governor and the general
77 assembly.
78 8. The provisions of this section shall expire on November 1, 2012.]
79

2 [192.105. The department of health and senior services shall examine the
3 feasibility of implementing a real-time water quality testing system for measuring
4 the bacterial water quality at state-owned public beaches and shall issue a report
5 of its findings to the general assembly by December 31, 2011.]

2 [197.291. 1. There is hereby established a "Technical Advisory
3 Committee on the Quality of Patient Care and Nursing Practices" within the
4 department of health and senior services. The committee shall be comprised of
5 nine members appointed by the director of the department of health and senior
6 services, one of whom shall be a representative of the department of health and
7 senior services and one of whom shall be a representative of the general public.
In addition, the director shall appoint three members representing licensed

8 registered nurses from a list of recommended appointees provided by the
9 Missouri Nurses Association, one member representing licensed practical nurses
10 from a list of recommended appointees provided by the Missouri Licensed
11 Practical Nurses Association, two members from a list of recommended
12 appointees provided by the Missouri Hospital Association, and one member
13 representing licensed physicians from a list of recommended appointees provided
14 by the Missouri State Medical Association.

15 2. The committee shall work with hospitals, nurses, physicians, state
16 agencies, community groups and academic researchers to develop specific
17 recommendations related to staffing, improving the quality of patient care, and
18 insuring the safe and appropriate employment of licensed nurses within hospitals
19 and ambulatory surgical centers. The committee shall develop recommendations
20 and submit an annual report based on such recommendations to the governor,
21 chairpersons of standing health and appropriations committees of the general
22 assembly and the department of health and senior services no later than
23 December thirty-first of each year.

24 3. The department of health and senior services shall provide such
25 support as the committee members require to aid it in the performance of its
26 duties.

27 4. Committee members shall not be compensated for their services but
28 shall be reimbursed for their actual and necessary expenses incurred in the
29 performance of their duties.

30 5. The provisions of this section shall expire on December 31, 2011.]
31

2 [208.975. 1. There is hereby created in the state treasury the "Health
3 Care Technology Fund" which shall consist of all gifts, donations, transfers, and
4 moneys appropriated by the general assembly, and bequests to the fund. The
5 state treasurer shall be custodian of the fund and may approve disbursements
6 from the fund in accordance with sections 30.170 and 30.180. The fund shall be
7 administered by the department of social services in accordance with the
8 recommendations of the MO HealthNet oversight committee unless otherwise
9 specified by the general assembly. Moneys in the fund shall be distributed in
10 accordance with specific appropriation by the general assembly. The director of
11 the department of social services shall submit his or her recommendations for the
12 disbursement of the funds to the governor and the general assembly.

13 2. Subject to the recommendations of the MO HealthNet oversight
14 committee under section 208.978 and subsection 1 of this section, moneys in the
15 fund shall be used to promote technological advances to improve patient care,
16 decrease administrative burdens, increase access to timely services, and increase
17 patient and health care provider satisfaction. Such programs or improvements on
18 technology shall include encouragement and implementation of technologies
19 intended to improve the safety, quality, and costs of health care services in the
state, including but not limited to the following:

(1) Electronic medical records;
(2) Community health records;
(3) Personal health records;
(4) E-prescribing;
(5) Telemedicine;
(6) Telemonitoring; and
(7) Electronic access for participants and providers to obtain MO HealthNet service authorizations.

3. Prior to any moneys being appropriated or expended from the health care technology fund for the programs or improvements listed in subsection 2 of this section, there shall be competitive requests for proposals consistent with state procurement policies of chapter 34. After such process is completed, the provisions of subsection 1 of this section relating to the administration of fund moneys shall be effective.

4. For purposes of this section, "elected public official or any state employee" means a person who holds an elected public office in a municipality, a county government, a state government, or the federal government, or any state employee, and the spouse of either such person, and any relative within one degree of consanguinity or affinity of either such person.

5. Any amounts appropriated or expended from the health care technology fund in violation of this section shall be remitted by the payee to the fund with interest paid at the rate of one percent per month. The attorney general is authorized to take all necessary action to enforce the provisions of this section, including but not limited to obtaining an order for injunction from a court of competent jurisdiction to stop payments from being made from the fund in violation of this section.

6. Any business or corporation which receives moneys expended from the health care technology fund in excess of five hundred thousand dollars in exchange for products or services and, during a period of two years following receipt of such funds, employs or contracts with any current or former elected public official or any state employee who had any direct decision-making or administrative authority over the awarding of health care technology fund contracts or the disbursement of moneys from the fund shall be subject to the provisions contained within subsection 5 of this section. Employment of or contracts with any current or former elected public official or any state employee which commenced prior to May 1, 2007, shall be exempt from these provisions.

7. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund, except for moneys that were gifts, donations, or bequests.

8. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

62 9. The MO HealthNet division shall promulgate rules setting forth the
63 procedures and methods implementing the provisions of this section and establish
64 criteria for the disbursement of funds under this section to include but not be
65 limited to grants to community health networks that provide the majority of care
66 provided to MO HealthNet and low-income uninsured individuals in the
67 community, and preference for health care entities where the majority of the
68 patients and clients served are either participants of MO HealthNet or are from
69 the medically underserved population. Any rule or portion of a rule, as that term
70 is defined in section 536.010, that is created under the authority delegated in this
71 section shall become effective only if it complies with and is subject to all of the
72 provisions of chapter 536 and, if applicable, section 536.028. This section and
73 chapter 536 are nonseverable and if any of the powers vested with the general
74 assembly pursuant to chapter 536 to review, to delay the effective date, or to
75 disapprove and annul a rule are subsequently held unconstitutional, then the grant
76 of rulemaking authority and any rule proposed or adopted after August 28, 2007,
77 shall be invalid and void.]
78

[262.950. 1. As used in this section, the following terms shall mean:

- 2 (1) "Locally grown agricultural products", food or fiber produced or
3 processed by a small agribusiness or small farm;
4 (2) "Small agribusiness", an independent agribusiness located in Missouri
5 with gross annual sales of less than five million dollars;
6 (3) "Small farm", an independent family-owned farm in Missouri with
7 at least one family member working in the day-to-day operation of the farm.

8 2. There is hereby created an advisory board, which shall be known as the
9 "Farm-to-Table Advisory Board". The board shall be made up of at least one
10 representative from the following agencies: the University of Missouri extension
11 service, the department of agriculture, the department of elementary and
12 secondary education, the department of economic development, the department
13 of corrections, and the office of administration. In addition, the director of the
14 department of agriculture shall appoint one person actively engaged in the
15 practice of small agribusiness. The representative for the department of
16 agriculture shall serve as the chairperson for the board and shall coordinate the
17 board meetings. The board shall hold at least two meetings, but may hold more
18 as it deems necessary to fulfill its requirements under this section. Staff of the
19 department of agriculture may provide administrative assistance to the board if
20 such assistance is required.

21 3. The mission of the board is to provide recommendations for strategies
22 that:

- 23 (1) Allow schools and state institutions to more easily incorporate locally
24 grown agricultural products into their cafeteria offerings, salad bars, and vending
25 machines; and

(2) Increase public awareness of local agricultural practices and the role that local agriculture plays in sustaining healthy communities and supporting healthy lifestyles.

4. In fulfilling its mission under this section, the board shall:

(1) Investigate the status and availability of local, state, federal, and any other public or private resources that may be used to:

(a) Link schools and state institutions with local and regional farms for the purchase of locally grown agricultural products;

(b) Increase market opportunities for locally grown agricultural products;

(c) Assist schools and other entities with education campaigns that teach children and the general public about the concepts of food production and consumption; the interrelationships between nutrition, food choices, obesity, and health; and the value of having an accessible supply of locally grown food;

(2) Identify any type of barrier, which may include legal, logistical, technical, social, or financial, that prevents or hinders:

(a) Schools and state institutions from purchasing more locally grown agricultural products;

(b) The expansion of market opportunities for locally grown agricultural products;

(c) Schools and other entities from engaging in education campaigns to teach people about the concepts of food production and consumption; the interrelationships between nutrition, food choices, obesity, and health; and the value of having an accessible supply of locally grown food; and

(3) Develop recommendations for:

(a) The maximization of existing public and private resources to accomplish the objectives in subsection 3 of this section;

(b) The development of new or expanded resources deemed necessary to accomplish the objectives in subsection 3 of this section, which may include resources such as training programs, grant programs, or database development; and

(c) The elimination of barriers that hinder the objectives in subsection 3 of this section, which may include changes to school or state institution procurement policies or procedures.

5. The board shall prepare a report containing its findings and recommendations and shall deliver such report to the governor, the general assembly, and to the director of each agency represented on the board by no later than August 31, 2012.

6. In conducting its work, the board may hold public meetings at which it may invite testimony from experts or it may solicit information from any party it deems may have information relevant to its duties under this section.

7. This section shall expire on August 31, 2012.]

2 [288.131. 1. For calendar years 2009, 2010, and 2011, each employer
3 that is liable for contributions under this chapter, except employers with a
4 contribution rate equal to zero, shall pay an annual unemployment automation
5 surcharge in an amount equal to five one-hundredths of one percent of such
6 employer's total taxable wages for the twelve-month period ending the preceding
7 June thirtieth. However, the division may reduce the foregoing percentage to
8 ensure that the total amount of surcharge due from all employers under this
9 subsection shall not exceed thirteen million dollars annually. Each employer
10 liable to pay such surcharge shall be notified of the amount due under this
11 subsection by March thirty-first of each year and such amount shall be considered
12 delinquent thirty days thereafter. Delinquent unemployment automation
13 surcharge amounts may be collected in the manner provided under sections
14 288.160 and 288.170. All moneys collected under this subsection shall be
15 deposited in the unemployment automation fund established in section 288.132.

16 2. For calendar years 2009, 2010, and 2011, the otherwise applicable
17 unemployment contribution rate of each employer liable for contributions under
18 this chapter shall be reduced by five one-hundredths of one percent, except such
19 contribution rate shall not be less than zero.]

2 [288.132. 1. There is hereby created in the state treasury the
3 "Unemployment Automation Fund", which shall consist of money collected
4 under subsection 1 of section 288.131, and such other state funds appropriated
5 by the general assembly. The state treasurer shall be custodian of the fund and
6 may approve disbursements from the fund in accordance with sections 30.170
7 and 30.180. Upon appropriation, money in the fund shall be used solely for the
8 purpose of providing automated systems, and the payment of associated costs, to
9 improve the administration of the state's unemployment insurance program.
10 Notwithstanding the provisions of section 33.080 to the contrary, all moneys
11 remaining in the fund at the end of the biennium shall not revert to the credit of
12 the general revenue fund. The state treasurer shall invest moneys in the fund in
13 the same manner as other funds are invested. Any interest and money earned on
14 such investments shall be credited to the fund.

15 2. The unemployment automation fund shall not be used in whole or in
16 part for any purpose or in any manner that would permit its substitution for, or
17 a corresponding reduction in, federal funds that would be available in its absence
18 to finance expenditures for the administration of this chapter, or cause the
19 appropriate agency of the United States government to withhold any part of an
20 administrative grant which would otherwise be made.]

2 [311.489. 1. After obtaining the approvals as described in this section,
3 a permit for the sale of intoxicating liquor as defined in section 311.020, and
4 nonintoxicating beer as defined in section 312.010, for consumption on premises
where sold, and to conduct specified festival events, shall be issued by the

5 division of alcohol and tobacco control to any festival district, located in a
6 community improvement district in any home rule city with more than four
7 hundred thousand inhabitants and located in more than one county, that includes
8 three or more businesses that are licensed bars, nightclubs, restaurants, or other
9 entertainment venues and a common area that is closed to vehicle traffic,
10 provided that the permit is held by a promotional association. A "promotional
11 association" is defined as an entity formed by property owners who own or
12 operate fifty percent or more of the square feet of bars, nightclubs, restaurants,
13 and other entertainment venues located within the proposed festival district.

14 2. The promotional association shall obtain a permit from the division if
15 the promotional association submits a plan to the governing body of the city and
16 such a plan receives approval from the city governing body. The plan submitted
17 shall include the legal description of the district and the common area within
18 which such festivals shall be held, the name and address and responsible person
19 for each business participating in the promotional association, the specific
20 calendar of events for the district which shall not exceed twenty-four such events
21 annually and shall include the dates and times of any such events, a description
22 of the proposed festival activities, including any proposed public street closures
23 if applicable, proof of adequate insurance, and a detailed description of security
24 for any proposed festivals which shall be provided at the sole expense of the
25 promotional association. Such detailed description of security shall be approved
26 by the city police department and the city department of liquor control prior to the
27 plan being approved by the city. Each event on the calendar shall not exceed
28 forty-eight hours in length. No more than two events shall be held in any
29 calendar month. Such permit shall cost three hundred dollars per year.

30 3. Prior to approving the plan, the city shall notify all property owners in
31 the proposed district and within five hundred feet of such district's boundaries.
32 The city shall hold a public hearing at least thirty days after providing such notice
33 to obtain public views and comments on the issue. The city shall not approve any
34 plan unless the promotional association has obtained written approval from at
35 least fifty percent of the property owners within the district and within one
36 hundred eighty-five feet of its borders. If the written approvals required under
37 this section are obtained and the city approves the plan, the promotional
38 association may conduct the events described in the plan and may sell liquor for
39 consumption within the district common areas. Such liquor sales may only occur
40 between 9:00 a.m. and 1:00 a.m. In addition, for no more than ten twenty-four
41 hour periods in a year, such promotional association may permit customers to
42 leave an establishment within the district after purchasing an alcoholic beverage
43 and consume the beverage in the district common areas or another licensed
44 establishment within the district. All containers allowed to be removed from an
45 establishment shall be marked with the name or logo of the establishment where
46 it was purchased. No person shall be allowed to take any alcoholic beverage
47 outside the boundaries of the festival district.

4. If participating in a promotional association event, every bar, nightclub, restaurant, promotional association, or other entertainment venue that serves alcoholic beverages within the festival district shall use disposable paper, plastic, or foam cups or other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant, promotional association, or other entertainment venue sells within the festival district boundaries for consumption in the district common area.

5. Minors shall not be allowed to enter the festival district during a festival event that serves liquor.

6. The holder of the permit is solely responsible for any alcohol violations occurring within the common areas. For any violation of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, the promotional association may be assessed a civil fine of not more than five thousand dollars. If a promotional association is found to be responsible for such violations at three separate events, then such promotional association shall not seek approval for subsequent plans without the prior written consent of the supervisor of alcohol and tobacco control. The promotional association's then-current plan shall be deemed terminated, and the businesses participating in the promotional association's events shall not participate in activities permitted by subsection 3 of this section without prior written consent from the supervisor of alcohol and tobacco control.

7. The provisions of this section shall expire two years after August 28, 2009.]

[374.776. During the legislative interim between the first regular session and the second regular session of the ninety-fifth general assembly, the Missouri department of insurance, financial institutions and professional registration shall conduct a study regarding its licensing rules and other policies and procedures governing the bail bond industry within the state of Missouri. The department, in its discretion, may hold public hearings within the state and permit testimony and input from surety insurance companies, general bail bond agents, bail bond agents, legislators, law enforcement agencies, officials from the department, and other interested parties. If public hearings are held, the director shall provide notice to all licensees licensed under sections 374.695 to 374.789 of the date, time, and location of such public hearings. The department shall submit a report of its findings and recommendations to the house of representatives and senate insurance committees no later than January 6, 2010.]

[376.825. Sections 376.825 to 376.840 shall be known and may be cited as the "Mental Health and Chemical Dependency Insurance Act".]

[376.826. For the purposes of sections 376.825 to 376.836 the following terms shall mean: (1) "Director", the director of the department of insurance,

3 financial institutions and professional registration; (2) "Health insurance policy"
4 or "policy", all health insurance policies or contracts that are individually
5 underwritten or provide such coverage for specific individuals and members of
6 their families, which provide for hospital treatments. The term shall also include
7 any individually underwritten coverage issued by a health maintenance
8 organization. The provisions of sections 376.825 to 376.836 shall not apply to
9 policies which provide coverage for a specified disease only, other than for
10 mental illness or chemical dependency; (3) "Insurer", an entity licensed by the
11 department of insurance, financial institutions and professional registration to
12 offer a health insurance policy; (4) "Mental illness", the following disorders
13 contained in the International Classification of Diseases (ICD-9-CM):

14 (a) Schizophrenic disorders and paranoid states (295 and 297, except
15 297.3);

16 (b) Major depression, bipolar disorder, and other affective psychoses
17 (296);

18 (c) Obsessive compulsive disorder, post-traumatic stress disorder and
19 other major anxiety disorders (300.0, 300.21, 300.22, 300.23, 300.3 and 309.81);

20 (d) Early childhood psychoses, and other disorders first diagnosed in
21 childhood or adolescence (299.8, 312.8, 313.81 and 314);

22 (e) Alcohol and drug abuse (291, 292, 303, 304, and 305, except 305.1);
23 and

24 (f) Anorexia nervosa, bulimia and other severe eating disorders (307.1,
25 307.51, 307.52 and 307.53);

26 (g) Senile organic psychotic conditions (290);

27 (5) "Rate", "term", or "condition", any lifetime limits, annual payment
28 limits, episodic limits, inpatient or outpatient service limits, and out-of-pocket
29 limits. This definition does not include deductibles, co-payments, or coinsurance
30 prior to reaching any maximum out-of-pocket limit. Any out-of-pocket limit
31 under a policy shall be comprehensive for coverage of mental illness and physical
32 conditions.]
33

2 [376.827. 1. Nothing in this bill shall be construed as requiring the
coverage of mental illness.

3 2. Except for the coverage required pursuant to subsection 1 of section
4 376.779, and the offer of coverage required pursuant to sections 376.810 through
5 376.814, if any of the mental illness disorders enumerated in subdivision (4) of
6 section 376.826 are provided by the health insurance policy, the coverage
7 provided shall include all the disorders enumerated in subdivision (4) of section
8 376.826 and shall not establish any rate, term, or condition that places a greater
9 financial burden on an insured for access to evaluation and treatment for mental
10 illness than for access to evaluation and treatment for physical conditions,
11 generally, except that alcohol and other drug abuse services shall have a
12 minimum of thirty days total inpatient treatment and a minimum of twenty total

visits for outpatient treatment for each year of coverage. A lifetime limit equal to four times such annual limits may be imposed. The days allowed for inpatient treatment can be converted for use for outpatient treatment on a two-for-one basis.

3. Deductibles, co-payment or coinsurance amounts for access to evaluation and treatment for mental illness shall not be unreasonable in relation to the cost of services provided.

4. A health insurance policy that is a federally qualified plan of benefits shall be construed to be in compliance with sections 376.825 to 376.836 if the policy is issued by a federally qualified health maintenance organization and the federally qualified health maintenance organization offered mental health coverage as required by sections 376.825 to 376.836. If such coverage is rejected, the federally qualified health maintenance organization shall, at a minimum, provide coverage for mental health services as a basic health service as required by the Federal Public Health Service Act, 42 U.S.C. Section 300e., et seq.

5. Health insurance policies that provide mental illness benefits pursuant to sections 376.825 to 376.840 shall be deemed to be in compliance with the requirements of subsection 1 of section 376.779.

6. The director may disapprove any policy that the director determines to be inconsistent with the purposes of this section.]

[376.830. 1. The coverages set forth in sections 376.825 to 376.840 may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more licensed providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri. Nothing in this section shall authorize any unlicensed provider to provide covered services.

2. An insurer may use a case management program for mental illness benefits to evaluate and determine medically necessary and clinically appropriate care and treatment for each patient.

3. Nothing in sections 376.825 to 376.840 shall be construed to require a managed care plan as defined by section 354.600, when providing coverage for benefits governed by sections 376.825 to 376.840, to cover services rendered by a provider other than a participating provider, except for the coverage pursuant to subsection 4 of section 376.811. An insurer may contract for benefits provided in sections 376.825 to 376.840 with a managing entity or group of providers for the management and delivery of services for benefits governed by sections 376.825 to 376.840.]

[376.833. 1. The provisions of section 376.827 shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

(1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;

(2) Services rendered or billed by a school or halfway house;

(3) Care that is custodial in nature;

(4) Services and supplies that are not medically necessary nor clinically appropriate; or

(5) Treatments that are considered experimental.

2. The director shall grant a policyholder a waiver from the provisions of section 376.827 if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with sections 376.825 to 376.840 has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder.]

[376.836. 1. The provisions of sections 376.825 to 376.836 apply to applications for coverage made on or after January 1, 2005, and to health insurance policies issued or renewed on or after such date to residents of this state. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

2. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

3. The provisions of sections 376.825 to 376.836 shall expire on January 1, 2011.]

[383.250. 1. There is hereby created within the department of insurance, financial institutions and professional registration the "Health Care Stabilization Fund Feasibility Board". The primary duty of the board is to determine whether a health care stabilization fund should be established in Missouri to provide excess medical malpractice insurance coverage for health care providers. As part of its duties, the board shall develop a comprehensive study detailing whether a health care stabilization fund is feasible within Missouri, or specified geographic regions thereof, or whether a health care stabilization fund would be feasible for specific medical specialties. The board shall analyze medical malpractice insurance data collected by the department of insurance, financial institutions and professional registration under sections 383.105 and 383.106 and any other data

12 the board deems necessary to its mission. In addition to analyzing data collected
13 from the Missouri medical malpractice insurance market, the board may study the
14 experience of other states that have established health care stabilization funds or
15 patient compensation funds. If a health care stabilization fund is determined to
16 be feasible within Missouri, the report shall also recommend to the general
17 assembly how the fund should be structured, designed, and funded. The report
18 may contain any other recommendations relevant to the establishment of a health
19 care stabilization fund, including but not limited to specific recommendations for
20 any statutory or regulatory changes necessary for the establishment of a health
21 care stabilization fund.

22 2. The board shall consist of ten members. Other than the director, the
23 house members and the senate members, the remainder of the board's members
24 shall be appointed by the director of the department of insurance, financial
25 institutions and professional registration as provided for in this subsection. The
26 board shall be composed of:

27 (1) The director of the department of insurance, financial institutions and
28 professional registration, or his or her designee;

29 (2) Two members of the Missouri senate appointed by the president pro
30 tem of the senate with no more than one from any political party;

31 (3) Two members of the Missouri house of representatives appointed by
32 the speaker of the house with no more than one member from any political party;

33 (4) One member who is licensed to practice medicine as a medical
34 doctor who is on a list of nominees submitted to the director by an organization
35 representing Missouri's medical society;

36 (5) One member who practices medicine as a doctor of osteopathy and
37 who is on a list of nominees submitted to the director by an organization
38 representing Missouri doctors of osteopathy;

39 (6) One member who is a licensed nurse in Missouri and who is on a list
40 submitted to the director by an organization representing Missouri nurses;

41 (7) One member who is a representative of Missouri hospitals and who
42 is on a list of nominees submitted to the director by an organization representing
43 Missouri hospitals; and

44 (8) One member who is a physician and who is on a list submitted to the
45 director by an organization representing family physicians in the state of
46 Missouri.

47 3. The director shall appoint the members of the board, other than the
48 general assembly members, no later than January 1, 2007. Once appointed, the
49 board shall meet at least quarterly, and shall submit its final report and
50 recommendations regarding the feasibility of a health care stabilization fund to
51 the governor and the general assembly no later than December 31, 2010. The
52 board shall also submit annual interim reports to the general assembly regarding
53 the status of its progress.

54 4. The board shall have the authority to convene conferences and hold
55 hearings. All conferences and hearings shall be held in accordance with chapter
56 610.

57 5. The director of the department of insurance, financial institutions and
58 professional registration shall provide and coordinate staff and equipment
59 services to the board to facilitate the board's duties.

60 6. Board members shall receive no additional compensation but shall be
61 eligible for reimbursement for expenses directly related to the performance of
62 their duties.

63 7. The provisions of this section shall expire December 31, 2010.]
64

2 [393.171. 1. The commission shall have the authority to grant the
3 permission and approval specified in section 393.170 after the construction or
4 acquisition of any electric plant located in a first class county without a charter
5 form of government has been completed if the commission determines that the
6 grant of such permission and approval is necessary or convenient for the public
7 service. Any such permission and approval shall, for all purposes, have the same
8 effect as the permission and approval granted prior to such construction or
9 acquisition. This subsection is enacted to clarify and specify the law in existence
10 at all times since the original enactment of section 393.170.

11 2. No permission or approval granted for an electric plant by the
12 commission under subsection 1 of this section, nor any special use permit issued
13 for any such electric plant by the governing body of the county in which the
14 electric plant is located, shall extinguish, render moot, or mitigate any suit or
15 claim pending or otherwise allowable by law by any landowner or other legal
16 entity for monetary damages allegedly caused by the operation or existence of
17 such electric plant. Expenses incurred by an electrical corporation in association
18 with the payment of any such damages shall not be recoverable, in any form at
19 any time, from the ratepayers of any such electrical corporation.

20 3. The commission's authority under subsection 1 of this section shall
21 expire on August 28, 2009.]

2 [442.018. All public advertisements and orders of publication required
3 by law to be made, including but not limited to amendments to the Missouri
4 Constitution, legal publications affecting all sales of real estate under a power of
5 sale contained in any mortgage or deed of trust, and other legal publications
6 affecting the title to real estate, shall be published in a newspaper of general
7 circulation, qualified under the provisions of section 493.050, and persons
8 responsible for orders of publication described in sections 443.310 and 443.320
9 shall be subject to the prohibitions in sections 493.130 and 493.140.]

2 [488.2205. 1. In addition to all court fees and costs prescribed by law,
a surcharge of up to ten dollars shall be assessed as costs in each court proceeding

3 filed in any court within the thirtieth judicial circuit in all criminal cases
4 including violations of any county or municipal ordinance or any violation of a
5 criminal or traffic law of the state, including an infraction, except that no such
6 surcharge shall be collected in any proceeding in any court when the proceeding
7 or defendant has been dismissed by the court or when costs are to be paid by the
8 state, county or municipality. For violations of the general criminal laws of the
9 state or county ordinances, no such surcharge shall be collected unless it is
10 authorized, by order, ordinance or resolution by the county government where the
11 violation occurred. For violations of municipal ordinances, no such surcharge
12 shall be collected unless it is authorized, by order, ordinance or resolution by the
13 municipal government where the violation occurred. Such surcharges shall be
14 collected and disbursed by the clerk of each respective court responsible for
15 collecting court costs in the manner provided by sections 488.010 to 488.020, and
16 shall be payable to the treasurer of the county where the violation occurred.

17 2. Each county shall use all funds received pursuant to this section only
18 to pay for the costs associated with the construction, maintenance and operation
19 of the county judicial facility and the circuit juvenile detention center including,
20 but not limited to, utilities, maintenance and building security. The county shall
21 maintain records identifying such operating costs, and any moneys not needed for
22 the operating costs of the county judicial facility shall be transmitted quarterly to
23 the general revenue fund of the county.

24 3. This section shall expire and be of no force and effect on and after
25 January 1, 2010.]
26

[620.602. 1. There is established a permanent joint committee of the
2 general assembly to be known as the "Joint Committee on Economic
3 Development Policy and Planning" to be composed of five members of the
4 senate, appointed by the president pro tem of the senate, and five members of the
5 house, appointed by the speaker of the house. No more than three members of
6 the senate and three members of the house shall be from the same political party.
7 The appointment of members shall continue during their terms of office as
8 members of the general assembly or until successors have been duly appointed
9 to fill their places when their terms of office as members of the general assembly
10 have expired. Members of the joint committee shall receive no compensation in
11 addition to their salary as members of the general assembly, but may receive their
12 necessary expenses for attending the meetings of the committee, to be paid out
13 of the committee's appropriations or the joint contingent fund.

14 2. The joint committee on economic development policy and planning
15 shall meet within ten days after its establishment and organize by selecting a
16 chairman and a vice chairman, one of whom shall be a member of the senate and
17 the other a member of the house of representatives. These positions shall rotate
18 annually between a member of the senate and a member of the house of
19 representatives. The committee shall regularly meet at least quarterly. A

20 majority of the members of the committee shall constitute a quorum. The
21 committee may, within the limits of its appropriations, employ such persons as
22 it deems necessary to carry out its duties. The compensation of such personnel
23 shall be paid from the committee's appropriations or the joint contingent fund.

24 3. The joint committee on economic development policy and planning
25 shall, at its regular meetings, confer with representatives from the governor's
26 office, the department of economic development, the University of Missouri
27 extension service, and other interested parties from the private and public sectors.
28 The joint committee shall review the annual report produced by the department
29 of economic development, as required by section 620.607, and plan, develop and
30 evaluate a long-term economic development policy for the state of Missouri to
31 ensure the state's competitive status with other states.

32 4. The provisions of this section shall expire on July 1, 2010.]
33

[633.410. 1. For purposes of this section, the following terms mean:

2 (1) "Certification fee", a fee to be paid by providers of health benefit
3 services, which in the aggregate for all providers shall not exceed the overall cost
4 of the department of mental health's operation of its certification programs for
5 residential habilitation, individualized supported living, and day habilitation
6 services provided to developmentally disabled individuals;

7 (2) "Home and community-based waiver services for persons with
8 developmental disabilities", a department of mental health program which admits
9 persons who are developmentally disabled for residential habilitation,
10 individualized supported living, or day habilitation services under chapter 630;

11 (3) "Provider of health benefit services", publicly and privately operated
12 programs providing residential habilitation, individualized supported living, or
13 day habilitation services to developmentally disabled individuals that have been
14 certified to meet department of mental health certification standards.

15 2. Beginning July 1, 2009, each provider of health benefit services
16 accepting payment shall pay a certification fee.

17 3. Each provider's fee shall be based on a formula set forth in rules and
18 regulations promulgated by the department of mental health.

19 4. The fee imposed under this section shall be determined based on the
20 reasonable costs incurred by the department of mental health in its programs of
21 certification of providers of health benefit services. Imposition of the fee shall
22 be contingent upon receipt of all necessary federal approvals under federal law
23 and regulation to assure that the collection of the fee will not adversely affect the
24 receipt of federal financial participation in medical assistance under Title XIX of
25 the federal Social Security Act.

26 5. Fees shall be determined annually and prorated monthly by the director
27 of the department of mental health or his or her designee and shall be made
28 payable to the director of the department of revenue.

29 6. In the alternative, a provider may direct that the director of the
30 department of social services offset, from the amount of any payment to be made
31 by the state to the provider, the amount of the fee payment owed for any month.

32 7. Fee payments shall be deposited in the state treasury to the credit of the
33 "Home and Community-Based Developmental Disabilities Waiver
34 Reimbursement Allowance Fund", which is hereby created in the state treasury.
35 All investment earnings of this fund shall be credited to the fund. The state
36 treasurer shall be custodian and may approve disbursement. Notwithstanding the
37 provisions of section 33.080 to the contrary, any unexpended balance in the home
38 and community-based developmental disabilities waiver reimbursement
39 allowance fund at the end of the biennium shall not revert to the general revenue
40 fund but shall accumulate from year to year. The state treasurer shall maintain
41 records that show the amount of money in the fund at any time and the amount
42 of any investment earnings on that amount.

43 8. Every provider of residential habilitation, individualized supported
44 living, and day habilitation services to developmentally disabled individuals shall
45 submit annually an acknowledgment of certification for the purpose of paying its
46 certification fee. The report shall be in such form as may be prescribed by rule
47 by the director of the department of mental health.

48 9. The director of the department of mental health shall prescribe by rule
49 the form and content of any document required to be filed under the provisions
50 of this section.

51 10. Upon receipt of notification from the director of the department of
52 mental health of a provider's delinquency in paying fees required under this
53 section, the director of the department of social services shall withhold, and shall
54 remit to the director of the department of revenue, the fee amount estimated by
55 the director of the department of mental health from any payment to be made by
56 the state to the provider.

57 11. In the event a provider objects to the estimate described in subsection
58 10 of this section, or any other decision of the department of mental health related
59 to this section, the provider of services may request a hearing. If a hearing is
60 requested, the director of the department of mental health shall provide the
61 provider of services an opportunity to be heard and to present evidence bearing
62 on the amount due for an assessment or other issue related to this section within
63 thirty days after collection of an amount due or receipt of a request for a hearing,
64 whichever is later. The director of the department of mental health shall issue a
65 final decision within forty-five days of the completion of the hearing. After
66 reconsideration of the fee determination and a final decision by the director of the
67 department of mental health, a residential habilitation, individualized supported
68 living, and day habilitation services to developmentally disabled individuals
69 provider's appeal of the director of the department of mental health's final
70 decision shall be to the administrative hearing commission in accordance with
71 section 208.156 and section 621.055.

72 12. Notwithstanding any other provision of law to the contrary, appeals
73 regarding this assessment shall be to the circuit court of Cole County or the
74 circuit court in the county in which the provider is located. The circuit court shall
75 hear the matter as the court of original jurisdiction.

76 13. Nothing in this section shall be deemed to affect or in any way limit
77 the tax-exempt or nonprofit status of any provider of residential habilitation,
78 individualized supported living, and day habilitation services to developmentally
79 disabled individuals granted by state law.

80 14. The director of the department of mental health shall promulgate
81 rules and regulations to implement this section. Any rule or portion of a rule, as
82 that term is defined in section 536.010, that is created under the authority
83 delegated in this section shall become effective only if it complies with and is
84 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
85 This section and chapter 536 are nonseverable and if any of the powers vested
86 with the general assembly pursuant to chapter 536 to review, to delay the
87 effective date, or to disapprove and annul a rule are subsequently held
88 unconstitutional, then the grant of rulemaking authority and any rule proposed or
89 adopted after August 28, 2009, shall be invalid and void.

90 15. The provisions of this section shall expire on September 30, 2011.]
91

2 [640.850. The governor shall convene a committee of representatives of
3 the departments of health and senior services, natural resources, economic
4 development, agriculture, and conservation. The committee shall evaluate
5 opportunities for consolidating services with the goal of improving efficiency and
6 reducing cost while optimizing the benefits to the citizens of Missouri. As part
7 of its evaluation, the committee shall specifically consider the transfer of the
8 division of energy from the department of natural resources to the department of
9 economic development and the consolidation of water quality laboratory testing
10 under the department of health and senior services for purposes of meeting water
11 testing requirements of the federal Safe Drinking Water Act and the Federal
12 Water Pollution Control Act. The committee shall provide recommendations to
13 the governor and general assembly no later than December 31, 2011.]

2 [660.425. 1. In addition to all other fees and taxes required or paid, a tax
3 is hereby imposed upon in-home services providers for the privilege of providing
4 in-home services. The tax is imposed upon payments received by an in-home
5 services provider for the provision of in-home services.

6 2. For purposes of sections 660.425 to 660.465, the following terms shall
7 mean:

8 (1) "Engaging in the business of providing in-home services", all
9 payments received by an in-home services provider for the provision of in-home
services;

10 (2) "In-home services", homemaker services, personal care services,
11 chore services, respite services, consumer-directed services, and services, when
12 provided in the individual's home and under a plan of care created by a physician,
13 necessary to keep children out of hospitals. "In-home services" shall not include
14 home health services as defined by federal and state law;

15 (3) "In-home services provider", any provider or vendor, as defined in
16 section 208.900, of compensated in-home services and under a provider
17 agreement or contracted with the department of social services or the department
18 of health and senior services.]
19

2 [660.430. 1. Each in-home services provider in this state providing
3 in-home services shall, in addition to all other fees and taxes now required or
4 paid, pay an in-home services gross receipts tax, not to exceed six and one-half
5 percent of gross receipts, for the privilege of engaging in the business of
6 providing in-home services in this state.

7 2. Each in-home services provider's tax shall be based on a formula set
8 forth in rules promulgated by the department of social services. Any rule or
9 portion of a rule, as that term is defined in section 536.010, that is created under
10 the authority delegated in this section shall become effective only if it complies
11 with and is subject to all of the provisions of chapter 536 and, if applicable,
12 section 536.028. This section and chapter 536 are nonseverable and if any of the
13 powers vested with the general assembly pursuant to chapter 536 to review, to
14 delay the effective date or to disapprove and annul a rule are subsequently held
15 unconstitutional, then the grant of rulemaking authority and any rule proposed or
16 adopted after August 28, 2009, shall be invalid and void.

17 3. The director of the department of social services or the director's
18 designee may prescribe the form and contents of any forms or other documents
19 required by sections 660.425 to 660.465

20 4. Notwithstanding any other provision of law to the contrary, appeals
21 regarding the promulgation of rules under this section shall be made to the circuit
22 court of Cole County. The circuit court of Cole County shall hear the matter as
23 the court of original jurisdiction.]

2 [660.435. 1. For purposes of assessing the tax under sections 660.425 to
3 660.465, the department of health and senior services shall make available to the
4 department of social services a list of all providers and vendors under this
5 section.

6 2. Each in-home services provider subject to sections 660.425 to 660.465
7 shall keep such records as may be necessary to determine the total payments
8 received for the provision of in-home services by the in-home services provider.
9 Every in-home services provider shall submit to the department of social services
10 a statement that accurately reflects such information as is necessary to determine
such in-home services provider's tax due.

11 3. The director of the department of social services may prescribe the
12 form and contents of any forms or other documents required by this section.

13 4. Each in-home services provider shall report the total payments
14 received for the provision of in-home services to the department of social
15 services.]
16

2 [660.440. 1. The tax imposed by sections 660.425 to 660.465 shall
3 become effective upon authorization by the federal Centers for Medicare &
4 Medicaid Services for a gross receipts tax for in-home services.

5 2. If the federal Centers for Medicare & Medicaid Services determines
6 that their authorization is not necessary for the tax imposed under sections
7 660.425 to 660.465, the tax shall become effective sixty days after the date of
8 such determination.]

2 [660.445. 1. The determination of the amount of tax due shall be the
3 total amount of payments reported to the department multiplied by the tax rate
4 established by rule by the department of social services.

5 2. The department of social services shall notify each in-home services
6 provider of the amount of tax due. Such amount may be paid in increments over
7 the balance of the assessment period.

8 3. The department of social services may adjust the tax due quarterly on
9 a prospective basis. The department of social services may adjust the tax due
10 more frequently for individual providers if there is a substantial and statistically
11 significant change in the in-home services provided or in the payments received
12 for such services provided. The department of social services may define such
13 adjustment criteria by rule.]

2 [660.450. The director of the department of social services may offset the
3 tax owed by an in-home services provider against any Missouri Medicaid
4 payment due such in-home services provider, if the in-home services provider
5 requests such an offset. The amounts to be offset shall result, so far as
6 practicable, in withholding from the in-home services provider an amount
7 substantially equal to the assessment due from the in-home services provider.
8 The office of administration and the state treasurer may make any fund transfers
9 necessary to execute the offset.]

2 [660.455. 1. The in-home services tax owed or, if an offset has been
3 made, the balance after such offset, if any, shall be remitted by the in-home
4 services provider to the department of social services. The remittance shall be
5 made payable to the director of the department of social services and shall be
6 deposited in the state treasury to the credit of the "In-home Services Gross
Receipts Tax Fund" which is hereby created to provide payments for in-home

7 services provided. All investment earnings of the fund shall be credited to the
8 fund.

9 2. An offset authorized by section 660.450 or a payment to the in-home
10 services gross receipts tax fund shall be accepted as payment of the obligation set
11 forth in section 660.425.

12 3. The state treasurer shall maintain records showing the amount of
13 money in the in-home services gross receipts tax fund at any time and the amount
14 of investment earnings on such amount.

15 4. Notwithstanding the provisions of section 33.080 to the contrary, any
16 unexpended balance in the in-home services gross receipts tax fund at the end of
17 the biennium shall not revert to the credit of the general revenue fund.]
18

2 [660.460. 1. The department of social services shall notify each in-home
3 services provider with a tax due of more than ninety days of the amount of such
4 balance. If any in-home services provider fails to pay its in-home services tax
5 within thirty days of such notice, the in-home services tax shall be delinquent.

6 2. If any tax imposed under sections 660.425 to 660.465 is unpaid and
7 delinquent, the department of social services may proceed to enforce the state's
8 lien against the property of the in-home services provider and compel the
9 payment of such assessment in the circuit court having jurisdiction in the county
10 where the in-home services provider is located. In addition, the department of
11 social services may cancel or refuse to issue, extend, or reinstate a Medicaid
12 provider agreement to any in-home services provider that fails to pay the tax
13 imposed by section 660.425.

14 3. Failure to pay the tax imposed under section 660.425 shall be grounds
15 for failure to renew a provider agreement for services or failure to renew a
16 provider contract. The department of social services may revoke the provider
17 agreement of any in-home services provider that fails to pay such tax, or notify
18 the department of health and senior services to revoke the provider contract.]

2 [660.465. 1. The in-home services tax required by sections 660.425 to
3 660.465 shall expire:

4 (1) Ninety days after any one or more of the following conditions are
5 met:

6 (a) The aggregate in-home services fee as appropriated by the general
7 assembly paid to in-home services providers for in-home services provided is less
8 than the fiscal year 2010 in-home services fees reimbursement amount; or

9 (b) The formula used to calculate the reimbursement as appropriated by
10 the general assembly for in-home services provided is changed resulting in lower
11 reimbursement to in-home services providers in the aggregate than provided in
12 fiscal year 2010; or

(2) September 1, 2012.

13 The director of the department of social services shall notify the revisor of
14 statutes of the expiration date as provided in this subsection.

15 2. Sections 660.425 to 660.465 shall expire on September 1, 2012.]
16

2 [701.058. The department of natural resources and the department of
3 health and senior services shall jointly hold stakeholder meetings for the purpose
4 of gathering data and information regarding permits and inspections for on-site
5 sewage disposal systems. The departments shall evaluate the data and
6 information obtained and present their findings and recommendations in a report
7 to be submitted to the general assembly by December 31, 2011.]

2 [701.502. 1. The department shall conduct a study of the energy
3 efficiency of consumer electronic products and report to the general assembly no
4 later than July 1, 2010. The report shall include:

5 (1) An assessment of energy requirements and energy usage of consumer
6 electronic products;

7 (2) Recommendations to consumers regarding appropriate use of
8 consumer electronic products; and

9 (3) Recommendations to consumers regarding the availability of energy
10 efficient consumer electronic products in Missouri.

11 2. The report shall be posted on the department's website and made
available to the public upon request.]

✓